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5 *The Center for Medical Progress,*  
*BioMax Procurement Services, LLC*  
6 *and David Daleiden*

7 (Additional counsel on signature page)  
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10 **UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

11 PLANNED PARENTHOOD FEDERATION	) Case No. 16-cv-00236 (WHO)
12 OF AMERICA, INC., et al.,	)
	) Judge William H. Orrick, III
13 Plaintiffs,	)
14 vs.	) David Daleiden's Answer to Plaintiffs'
	) First Amended Complaint; Demand for
15 CENTER FOR MEDICAL PROGRESS, et	) Jury Trial
16 al.,	)
	)
17 Defendants.	)
	)
	)
	)

**ANSWER**

Defendant David Daleiden answers Plaintiffs' First Amended Complaint by admitting, denying, and alleging as follows:

**INTRODUCTION**

1. In response to paragraph 1, to the extent that this paragraph purports to paraphrase, state or interpret Plaintiffs' First Amended Complaint, the First Amended Complaint speaks for itself, and as such, does not require an answer. Furthermore, to the extent that the allegations constitute legal argument, those allegations do not require an answer. To the extent that Paragraph 1 requires an answer, Defendant denies all allegations contained therein.

2. Defendant lacks sufficient information to admit or deny the allegations contained in Paragraph 2 and therefore denies the same.

3. To the extent that Paragraph 3 contends that "[f]etal tissue donation is entirely legal," it constitutes a legal conclusion to which no answer is required. With regard to the remaining allegations contained in Paragraph 3, Defendant lacks sufficient information to admit or deny those remaining allegations and therefore denies the same.

4. In response to paragraph 4, to the extent that the allegations constitute legal argument, those allegations do not require an answer. Defendant denies that there is no financial gain for healthcare providers involved in the transfer of fetal tissue. Defendant denies that the Planned Parenthood affiliates who are involved in the transfer of fetal tissue have done so solely for the benefit of medical research. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

5. In response to paragraph 5, to the extent that the allegations constitute legal argument, those allegations do not require an answer. Defendant admits that Daleiden organized BioMax Procurement Services, LLC. Defendant admits that Daleiden, Merritt, Lopez, and unnamed others who are not defendants herein assumed undercover roles as officers and employees of BioMax in furtherance of a legitimate journalistic investigation. Defendant denies that any other Defendants assumed such undercover roles. Defendant admits that Daleiden, Merritt and Lopez

1 gained access to conferences hosted by Planned Parenthood and the National Abortion Federation  
2 (“NAF”), and wore hidden video cameras. Defendant denies that any other Defendants did so.  
3 Except as otherwise admitted or denied, and in all other respects and to the extent an answer is  
4 deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation  
5 of this paragraph.

6         6. In response to paragraph 6, Defendant admits that he met with Planned Parenthood  
7 doctors and affiliates and visited Planned Parenthood office and clinical space. Defendant admits  
8 he requested meetings from Planned Parenthood staff. Defendant lacks sufficient information or  
9 belief to admit or deny whether Planned Parenthood staff were unaware that they were being  
10 recorded and that they would be “featured” later in videos, and on that basis, denies such  
11 allegations. Except as otherwise admitted or denied, and in all other respects and to the extent an  
12 answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every  
13 allegation of this paragraph.

14         7. In response to paragraph 7, to the extent that this paragraph purports to paraphrase,  
15 state or interpret CMP’s release of online videos or reports about those videos, the videos and  
16 reports speak for themselves, and as such, do not require an answer. Furthermore, to the extent that  
17 the allegations constitute legal argument, those allegations do not require an answer. Defendant  
18 admits that CMP released a series of videos, both shorter professionally edited versions and full  
19 length videos of the same content, showing Planned Parenthood violated the law. Except as  
20 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
21 necessary to the allegations in paragraph 7, Defendant denies each and every allegation of  
22 paragraph 7.

23         8. In response to paragraph 8, to the extent that this paragraph purports to paraphrase,  
24 state or interpret CMP’s videos, the videos speak for themselves, and as such, do not require an  
25 answer. Furthermore, to the extent that the allegations constitute legal argument, those allegations  
26 do not require an answer. Defendant admits that millions of people viewed the videos and were  
27 educated about Planned Parenthood’s violations of laws and improper actions. Except as otherwise  
28 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the

1 allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

2       9. In response to paragraph 9, to the extent that this paragraph purports to interpret  
3 federal and state investigations into Plaintiffs, the investigations speak for themselves, and as such,  
4 does not require an answer. Furthermore, to the extent that the allegations constitute legal  
5 argument, those allegations do not require an answer. Defendant admits that federal and state  
6 governments were spurred to initiate investigations into Planned Parenthood as a result of certain of  
7 Defendant's claims. Defendant denies that Planned Parenthood has been cleared of all wrongdoing  
8 by all federal and state investigations. Except as otherwise admitted or denied, and in all other  
9 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
10 Defendant denies each and every allegation of this paragraph.

11       10. In response to paragraph 10, to the extent that this paragraph purports to paraphrase,  
12 state or interpret videos, the videos speak for themselves, and as such, do not require an answer.  
13 Furthermore, to the extent that the allegations constitute legal argument, those allegations do not  
14 require an answer. To the extent such allegations require an answer, Defendant denies the same. As  
15 to the remaining allegations, Defendant lacks sufficient information or belief to admit or deny the  
16 allegations, and on that basis, denies such allegations.

17       11. In response to paragraph 11, to the extent that this paragraph purports to paraphrase,  
18 state or interpret criminal indictments, the indictments speak for themselves, and as such, do not  
19 require an answer. Defendant admits that indictments were entered against Daleiden and Merritt  
20 and that those indictments were later dismissed. Except as otherwise admitted or denied, and in all  
21 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 11,  
22 Defendants denies each and every allegation of paragraph 11.

23       12. In response to paragraph 12, to the extent that this paragraph purports to paraphrase,  
24 state or interpret Plaintiffs' First Amended Complaint, the First Amended Complaint speaks for  
25 itself, and as such, does not require an answer. To the extent that this paragraph purports to  
26 paraphrase, state or interpret videos, the videos speak for themselves, and as such, do not require an  
27 answer. Furthermore, to the extent that the allegations constitute legal argument, those allegations  
28 do not require an answer. Except as otherwise admitted or denied, and in all other respects and to

1 the extent an answer is deemed necessary to the allegations in paragraph 12, Defendant denies each  
2 and every allegation of paragraph 12.

### 3 **JURISDICTION AND VENUE**

4 13. In response to paragraph 13, to the extent that this paragraph purports to paraphrase,  
5 state or interpret Plaintiffs' First Amended Complaint, the First Amended Complaint speaks for  
6 itself, and as such, does not require an answer. Furthermore, to the extent that the allegations  
7 constitute legal argument, those allegations do not require an answer. Additionally, to the extent  
8 that this paragraph purports to paraphrase, state or interpret laws or regulations, these laws or  
9 regulations speak for themselves, and as such, do not require an answer. Except as otherwise  
10 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the  
11 allegations in paragraph 13, Defendant denies each and every allegation of paragraph 13.

12 14. In response to paragraph 14, to the extent that the allegations constitute legal  
13 argument, those allegations do not require an answer. Defendant denies that he has engaged in a  
14 conspiracy to defraud Plaintiffs. Except as otherwise admitted or denied, and in all other respects  
15 and to the extent an answer is deemed necessary to the allegations in paragraph 14, Defendant  
16 denies each and every allegation of paragraph 14.

17 15. In response to paragraph 15, to the extent that the allegations constitute legal  
18 argument, those allegations do not require an answer. Defendant denies that his actions caused  
19 injury to Plaintiffs. Except as otherwise admitted or denied, and in all other respects and to the  
20 extent an answer is deemed necessary to the allegations in paragraph 15, Defendant denies each  
21 and every allegation of paragraph 15.

22 16. In response to paragraph 16, to the extent that the allegations constitute legal  
23 argument, those allegations do not require an answer. Defendant admits that Daleiden and Merritt  
24 attended NAF's annual meeting in San Francisco in April 2014. Defendant denies that they  
25 engaged in a tortious conspiracy. Except as otherwise admitted or denied, and in all other respects  
26 and to the extent an answer is deemed necessary to the allegations in paragraph 16, Defendant  
27 denies each and every allegation of paragraph 16.

28 17. In response to paragraph 17, to the extent that the allegations constitute legal

1 argument, those allegations do not require an answer. To the extent such allegations require an  
2 answer, Defendant denies the same. Defendant denies that Plaintiffs have suffered any harm as a  
3 result of Defendant's conduct. Defendant denies that he obtained recordings illegally or  
4 wrongfully. As to the remaining allegations, Defendant lacks sufficient information or belief to  
5 admit or deny the allegations, and on that basis, denies such allegations.

#### 6 **INTRADISTRICT ASSIGNMENT**

7 18. In response to paragraph 18, to the extent that the allegations constitute legal  
8 argument, those allegations do not require an answer. Defendant admits that Daleiden and Merritt  
9 attended NAF's 2014 annual meeting in San Francisco. Except as otherwise admitted or denied,  
10 and in all other respects and to the extent an answer is deemed necessary to the allegations in  
11 paragraph 18, Defendant denies each and every allegation of paragraph 18.

#### 12 **PARTIES**

13 19. In response to paragraph 19, to the extent that the allegations constitute legal  
14 argument, those allegations do not require an answer. To the extent such allegations require an  
15 answer, Defendant denies the same. As to the remaining allegations, Defendant lacks sufficient  
16 information or belief to admit or deny the allegations, and on that basis, denies such allegations.

17 20. In response to paragraph 20, to the extent that the allegations constitute legal  
18 argument, those allegations do not require an answer. To the extent such allegations require an  
19 answer, Defendant denies the same. Defendant admits that PPNC is a not-for-profit organization  
20 and one of seven California Planned Parenthood affiliates. As to the remaining allegations,  
21 Defendant lacks sufficient information or belief to admit or deny the allegations, and on that basis,  
22 denies such allegations.

23 21. In response to paragraph 21, to the extent that the allegations constitute legal  
24 argument, those allegations do not require an answer. To the extent such allegations require an  
25 answer, Defendant denies the same. Defendant admits that PPMM is a not-for-profit organization  
26 and one of seven California Planned Parenthood affiliates. As to the remaining allegations,  
27 Defendants lacks sufficient information or belief to admit or deny the allegations, and on that basis,  
28 denies such allegations.

1           22. In response to paragraph 22, to the extent that the allegations constitute legal  
2 argument, those allegations do not require an answer. To the extent such allegations require an  
3 answer, Defendant denies the same. Defendant admits that PPPSW is a not-for-profit organization  
4 and one of seven California Planned Parenthood affiliates. As to the remaining allegations,  
5 Defendant lacks sufficient information or belief to admit or deny the allegations, and on that basis,  
6 denies such allegations.

7           23. In response to paragraph 23, to the extent that the allegations constitute legal  
8 argument, those allegations do not require an answer. To the extent such allegations require an  
9 answer, Defendant denies the same. Defendant admits that PPLA is a not-for-profit organization  
10 and one of seven California Planned Parenthood affiliates. As to the remaining allegations,  
11 Defendant lacks sufficient information or belief to admit or deny the allegations, and on that basis,  
12 denies such allegations.

13           24. In response to paragraph 24, to the extent that the allegations constitute legal  
14 argument, those allegations do not require an answer. To the extent such allegations require an  
15 answer, Defendant denies the same. Defendant admits that PPOSBC is a not-for-profit organization  
16 and one of seven California Planned Parenthood affiliates. As to the remaining allegations,  
17 Defendant lacks sufficient information or belief to admit or deny the allegations, and on that basis,  
18 denies such allegations.

19           25. In response to paragraph 25, to the extent that the allegations constitute legal  
20 argument, those allegations do not require an answer. To the extent such allegations require an  
21 answer, Defendant denies the same. Defendant admits that PPSBVSLO is a not-for-profit  
22 organization and one of seven California Planned Parenthood affiliates. As to the remaining  
23 allegations, Defendant lacks sufficient information or belief to admit or deny the allegations, and  
24 on that basis, denies such allegations.

25           26. In response to paragraph 26, to the extent that the allegations constitute legal  
26 argument, those allegations do not require an answer. To the extent such allegations require an  
27 answer, Defendant denies the same. Defendant admits that PPPSGV is a not-for-profit organization  
28 and one of seven California Planned Parenthood affiliates. As to the remaining allegations,

1 Defendant lacks sufficient information or belief to admit or deny the allegations, and on that basis,  
2 denies such allegations.

3 27. In response to paragraph 27, to the extent that the allegations constitute legal  
4 argument, those allegations do not require an answer. To the extent such allegations require an  
5 answer, Defendant denies the same. Defendant admits that PPRM is a not-for-profit organization  
6 existing in Colorado. As to the remaining allegations, Defendant lacks sufficient information or  
7 belief to admit or deny the allegations, and on that basis, denies such allegations.

8 28. In response to paragraph 28, to the extent that the allegations constitute legal  
9 argument, those allegations do not require an answer. To the extent such allegations require an  
10 answer, Defendant denies the same. Defendant admits that PPGC and PPCFC are not-for-profit  
11 organizations existing in Texas. As to the remaining allegations, Defendant lacks sufficient  
12 information or belief to admit or deny the allegations, and on that basis, denies such allegations.

13 29. In response to paragraph 29, to the extent that the allegations constitute legal  
14 argument, those allegations do not require an answer. To the extent that this paragraph purports to  
15 paraphrase, state or interpret laws or regulations, these laws or regulations speak for themselves,  
16 and as such, do not require an answer. To the extent that this paragraph purports to interpret  
17 Defendant CMP's incorporation materials, those materials speak for themselves, and as such, do  
18 not require an answer. Defendant admits that CMP is a charitable trust based in Irvine, California.  
19 Defendant denies that CMP made false representations to the public and to multiple government  
20 bodies to obtain tax exempt status. Defendant admits that Daleiden and Rhomberg are registered  
21 officers of CMP as CEO and CFO, respectively. Defendant denies that Newman is a registered  
22 officer of CMP. Except as otherwise admitted or denied, and in all other respects and to the extent  
23 an answer is deemed necessary to the allegations in paragraph 29, Defendant denies each and every  
24 allegation of paragraph 29.

25 30. In response to paragraph 30, to the extent that the allegations constitute legal  
26 argument, those allegations do not require an answer. To the extent that this paragraph purports to  
27 paraphrase, state or interpret laws or regulations, these laws or regulations speak for themselves,  
28 and as such, do not require an answer. Defendant admits that BioMax Procurement Services, LLC



1 is a California Limited Liability Company, organized on October 11, 2013. Defendant admits that  
2 BioMax was a legitimate company testing the fetal tissue procurement market. Defendant admits  
3 that Daleiden organized BioMax. He denies that any others were involved in its organization.  
4 Except as otherwise admitted or denied, and in all other respects and to the extent an answer is  
5 deemed necessary to the allegations in paragraph 30, Defendant denies each and every allegation of  
6 paragraph 30.

7 31. In response to paragraph 31, to the extent that the allegations constitute legal  
8 argument, those allegations do not require an answer. To the extent that the allegations purport to  
9 interpret “published reports,” those reports speak for themselves and, as such, do not require an  
10 answer. Defendant admits that Daleiden previously served as the Director of Research with Live  
11 Action, but denies the group is “discredited.” Defendant admits that Daleiden pseudonymously  
12 appeared as the Procurement Manager and Vice President of Operations for BioMax, and as such,  
13 gained access to Planned Parenthood conferences and other conferences and meetings. Defendant  
14 admits that Daleiden is CMP’s Chief Executive Officer. Except as otherwise admitted or denied,  
15 and in all other respects and to the extent an answer is deemed necessary to the allegations in  
16 paragraph 31, Defendant denies each and every allegation of paragraph 31.

17 32. In response to paragraph 32, to the extent that the allegations constitute legal  
18 argument, those allegations do not require an answer. To the extent that the allegations purport to  
19 interpret public statements by Newman, those statements speak for themselves, and, as such, do not  
20 require an answer. To the extent that the allegations purport to interpret a website, that website  
21 speaks for itself, and, as such, does not require an answer. Defendant admits that Troy Newman  
22 resides in Wichita, Kansas. Defendant admits that Newman operates Operation Rescue. Defendant  
23 admits that Newman formerly served as the Secretary of CMP. Except as otherwise admitted or  
24 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
25 in paragraph 32, Defendant denies each and every allegation of paragraph 32.

26 33. In response to paragraph 33, to the extent that the allegations constitute legal  
27 argument, those allegations do not require an answer. Defendant admits that Albin Rhomberg  
28 resides in or near Sacramento, California. Defendant admits that Rhomberg was arrested over 25

1 years ago, in 1991, for disrupting a sacrilegious service. Defendant admits that Rhomberg is the  
2 Chief Financial Officer of CMP. Except as otherwise admitted or denied, and in all other respects  
3 and to the extent an answer is deemed necessary to the allegations in paragraph 33, Defendant  
4 denies each and every allegation of paragraph 33.

5 34. In response to paragraph 34, Defendant admits that Phillip S. Cronin resides in or  
6 near Ventura County, California. Defendant admits that Cronin was the registered agent for  
7 BioMax from October 11, 2013, through July 7, 2015. Defendant denies that Cronin allowed  
8 BioMax or its staff the use of his credit card. Defendant denies that Cronin paid for BioMax's  
9 registration for the NAF 2014 annual meeting held in San Francisco. Defendant denies that a credit  
10 card was used to pay for BioMax's registration for the NAF 2014 annual meeting held in San  
11 Francisco. Except as otherwise admitted or denied, and in all other respects and to the extent an  
12 answer is deemed necessary to the allegations in paragraph 34, Defendant denies each and every  
13 allegation of paragraph 34.

14 35. In response to paragraph 35, to the extent that the allegations constitute legal  
15 argument, those allegations do not require an answer. Defendant admits that Sandra Susan Merritt  
16 resides in or near San Jose, California. Defendant admits that Merritt pseudonymously appeared as  
17 the Chief Executive Officer for BioMax. Defendant invokes his Fifth Amendment right to refuse to  
18 respond to the allegation that Merritt procured a fake California driver's license. Defendant admits  
19 that a Facebook page for Susan Tennenbaum included "likes" for Hillary Clinton, The Rachel  
20 Maddow Show, and Stem Cell Research. Except as otherwise admitted or denied, and in all other  
21 respects and to the extent an answer is deemed necessary to the allegations in paragraph 35,  
22 Defendant denies each and every allegation of paragraph 35.

23 36. In response to paragraph 36, Defendant admits that Gerardo Adrian Lopez resides in  
24 or near Long Beach, California. Defendant admits that Lopez attended multiple PPFA conferences  
25 with Daleiden. Defendant admits that Lopez appeared as the Procurement Technician for BioMax.  
26 Except as otherwise admitted or denied, and in all other respects and to the extent an answer is  
27 deemed necessary to the allegations in paragraph 36, Defendant denies each and every allegation of  
28 paragraph 36.

1           37. In response to paragraph 37, to the extent that the allegations constitute legal  
2 argument, those allegations do not require an answer. Defendant denies that he conspired to  
3 defraud Planned Parenthood or did defraud Planned Parenthood. Defendant denies that other  
4 individuals listed in paragraphs 38, 39 and 40 participated in a scheme to defraud Planned  
5 Parenthood. Defendant denies that the pseudonyms identified in paragraphs 38, 39 and 40  
6 constitute “fake” names. Except as otherwise admitted or denied, and in all other respects and to  
7 the extent an answer is deemed necessary to the allegations in paragraph 37, Defendant denies each  
8 and every allegation of paragraph 37.

9           38. In response to paragraph 38, to the extent that this paragraph purports to interpret a  
10 news report, that news report speaks for itself, and, as such, does not require an answer. Defendant  
11 admits that a CMP investigator used the pseudonym “Brianna Allen” and pseudonymously  
12 appeared as the assistant of BioMax’s CEO. Except as otherwise admitted or denied, and in all  
13 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 38,  
14 Defendant denies each and every allegation of paragraph 38.

15           39. In response to paragraph 39, Defendant admits that a CMP investigator used the  
16 pseudonym “Rebecca Wagner” and pseudonymously appeared as the Contract Administrator for  
17 BioMax. Except as otherwise admitted or denied, and in all other respects and to the extent an  
18 answer is deemed necessary to the allegations in paragraph 39, Defendant denies each and every  
19 allegation of paragraph 39.

20           40. In response to paragraph 40, Defendant admits that Sofia Mireles used her credit  
21 card to register BioMax representatives to attend the Association of Reproductive Health  
22 Professionals Conference in Denver in September 2013. Except as otherwise admitted or denied,  
23 and in all other respects and to the extent an answer is deemed necessary to the allegations in  
24 paragraph 40, Defendant denies each and every allegation of paragraph 40.

25           41. In response to paragraph 41, to the extent that the allegations constitute legal  
26 argument, those allegations do not require an answer. Defendant denies that he established BioMax  
27 for the purpose of perpetrating a fraud. Except as otherwise admitted or denied, and in all other  
28 respects and to the extent an answer is deemed necessary to the allegations in paragraph 41,

1 Defendant denies each and every allegation of paragraph 41.

2 **FACTS<sup>1</sup>**

3 42. In response to paragraph 42, Defendant lacks sufficient information or belief to  
4 admit or deny the allegations, and on that basis, denies such allegations.

5 43. In response to paragraph 43, Defendant lacks sufficient information or belief to  
6 admit or deny the allegations, and on that basis, denies such allegations.

7 44. In response to paragraph 44, Defendant lacks sufficient information or belief to  
8 admit or deny the allegations, and on that basis, denies such allegations.

9 45. In response to paragraph 45, to the extent that the allegations constitute legal  
10 argument, those allegations do not require an answer. To the extent such allegations require an  
11 answer, Defendant denies the same. Defendant denies that Planned Parenthood transfers fetal tissue  
12 only after obtaining the full informed consent of patients “who ha[ve] chosen to have an abortion.”  
13 Defendant denies that Planned Parenthood affiliates who have engaged in “fetal tissue donation  
14 programs” have done so in compliance with federal and state law. As to the remaining allegations,  
15 Defendant lacks sufficient information or belief to admit or deny the allegations, and on that basis,  
16 denies such allegations.

17 46. In response to paragraph 46, to the extent that the allegations constitute legal  
18 argument, those allegations do not require an answer. To the extent such allegations require an  
19 answer, Defendant denies the same. As to the remaining allegations, Defendant lacks sufficient  
20 information or belief to admit or deny the allegations, and on that basis, denies such allegations.

21 47. In response to paragraph 47, to the extent that the allegations constitute legal  
22 argument, those allegations do not require an answer. To the extent that paragraph 47 purports to  
23 characterize press releases or news articles, those documents speak for themselves and as such do  
24 not require an answer. To the extent such allegations require an answer, Defendant denies the same.  
25 Defendant denies that he is a veteran of extremist groups with a history of threatening and inciting

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26  
27 <sup>1</sup> To the extent that the headings and subheadings contained in the First Amended Complaint  
28 purport to make factual allegations, Defendant denies all such allegations.

1 violence. Defendant denies that Newman is currently CMP's Secretary. Defendant admits that  
2 James Kopp admitted to the 1998 killing of abortionist Barnett Slepian. Defendant admits that  
3 Defendant Newman's co-author, Cheryl Sullenger, is currently employed by Operation Rescue but  
4 denies that her title is senior policy advisor, according to Operation Rescue's website. As to the  
5 remaining allegations, Defendant lacks sufficient information or belief to admit or deny the  
6 allegations, and on that basis, denies such allegations.

7 48. In response to paragraph 48, to the extent that the paragraph purports to interpret the  
8 purpose of legislation regarding abortion services, those legislative acts speak for themselves, and,  
9 as such, do not require an answer. To the extent such allegations require an answer, Defendant  
10 denies the same. As to the remaining allegations, Defendant lacks sufficient information or belief to  
11 admit or deny the allegations, and on that basis, denies such allegations.

12 49. In response to paragraph 49, to the extent that the paragraph purports to interpret the  
13 purpose of legislation regarding abortion services, those legislative acts speak for themselves, and,  
14 as such, do not require an answer. To the extent that Paragraph 49 purports to characterize the  
15 content of certain written documents, those documents speak for themselves. To the extent such  
16 allegations require an answer, Defendant denies the same. As to the remaining allegations,  
17 Defendant lacks sufficient information or belief to admit or deny the allegations, and on that basis,  
18 denies such allegations.

19 50. In response to paragraph 50, Defendant denies that investigations of Planned  
20 Parenthood have been consistently debunked – in fact they have often exposed wrongdoing by  
21 Planned Parenthood. Defendant denies that Operation Rescue is an “extremist” group. Defendant  
22 further denies that all undercover investigations of Planned Parenthood have been “debunked.” As  
23 to the remaining allegations, Defendant lacks sufficient information or belief to admit or deny the  
24 allegations, and on that basis, denies such allegations.

25 51. In response to paragraph 51, to the extent that the paragraph purports to interpret the  
26 claims and statements of Mark Crutcher, Life Dynamics, and Life Dynamics' witness, those claims  
27 and statements speak for themselves, and, as such, do not require an answer. To the extent such  
28 allegations require an answer, Defendant denies the same. As to the remaining allegations,

1 Defendant lacks sufficient information or belief to admit or deny the allegations, and on that basis,  
2 denies such allegations.

3 52. In response to paragraph 52, to the extent that the paragraph purports to interpret a  
4 book by Troy Newman, that book speaks for itself, and, as such, does not require an answer. To the  
5 extent such allegations require an answer, Defendant denies the same. Defendant admits that  
6 Newman has made and published certain surreptitious recordings in the past. Defendant denies all  
7 remaining allegations contained in Paragraph 52.

8 53. In response to paragraph 53, to the extent that the paragraph purports to interpret a  
9 book by Troy Newman, that book speaks for itself, and, as such, does not require an answer. To the  
10 extent such allegations require an answer, Defendant denies the same.

11 54. In response to paragraph 54, to the extent that the paragraph purports to interpret  
12 YouTube videos and comments to those videos, those videos and comments speak for themselves,  
13 and, as such, do not require an answer. To the extent such allegations require an answer, Defendant  
14 denies the same. As to the remaining allegations, Defendant lacks sufficient information or belief to  
15 admit or deny the allegations, and on that basis, denies such allegations.

16 55. In response to paragraph 55, to the extent that the paragraph purports to interpret  
17 public statements by Daleiden, those statements speak for themselves, and, as such, do not require  
18 an answer. To the extent such allegations require an answer, Defendant denies the same. Defendant  
19 admits that Planned Parenthood has been a subject of Daleiden's investigative journalism.  
20 Defendant admits that Live Action produced and published the results of investigations into  
21 Planned Parenthood's wrongdoing while Daleiden was Live Action's Director of Research. Except  
22 as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
23 necessary to the allegations in paragraph 55, Defendant denies each and every allegation of  
24 paragraph 55.

25 56. In response to paragraph 56, to the extent that the paragraph purports to interpret  
26 public statements by Newman, those statements speak for themselves, and, as such, do not require  
27 an answer. To the extent such allegations require an answer, Defendant denies the same. Defendant  
28 denies that Newman "hatched" the idea to investigate Planned Parenthood's wrongdoing with

1 regard to fetal tissue procurement. As to the remaining allegations, Defendant lacks sufficient  
2 information or belief to admit or deny the allegations, and on that basis, denies such allegations.

3 57. In response to paragraph 57, to the extent that the paragraph purports to interpret  
4 public statements by Newman, those statements speak for themselves, and, as such, do not require  
5 an answer. To the extent such allegations require an answer, Defendant denies the same.

6 58. In response to paragraph 58, to the extent that the allegations constitute legal  
7 argument, those allegations do not require an answer. Defendant admits that on March 7, 2013,  
8 Daleiden formed CMP as a California corporation. Except as otherwise admitted or denied, and in  
9 all other respects and to the extent an answer is deemed necessary to the allegations in paragraph  
10 58, Defendant denies each and every allegation of paragraph 58.

11 59. In response to paragraph 59, to the extent that the allegations constitute legal  
12 argument, those allegations do not require an answer. To the extent that the paragraph purports to  
13 quote or interpret CMP's Articles of Incorporation, this document speaks for itself and thus does  
14 not require an answer. Except as otherwise admitted or denied, and in all other respects and to the  
15 extent an answer is deemed necessary to the allegations in paragraph 59, Defendant denies each  
16 and every allegation of paragraph 59.

17 60. In response to paragraph 60, to the extent that the allegations constitute legal  
18 argument, those allegations do not require an answer. Defendant admits that CMP's application for  
19 tax exempt status provides an address of 5325 Elkhorn Blvd., Sacramento, CA. He admits that this  
20 location is a Postal Annex+ mailbox rental. To the extent that the paragraph purports to quote the  
21 Postal Annex+ advertisement, that advertisement speaks for itself, and, as such, does not require an  
22 answer. Except as otherwise admitted or denied, and in all other respects and to the extent an  
23 answer is deemed necessary to the allegations in paragraph 60, Defendant denies each and every  
24 allegation of paragraph 60.

25 61. In response to paragraph 61, to the extent that the allegations constitute legal  
26 argument, those allegations do not require an answer. Defendant admits that on October 11, 2013,  
27 Daleiden organized BioMax Procurement Services, LLC as a California corporation. Defendant  
28 denies the corporation "purport[ed] to be a 'tissue procurement company.'" To the extent that the



1 paragraph purports quote BioMax's materials, those materials speak for themselves, and, as such,  
2 do not require an answer. Defendant admits that Defendant Merritt used the name Susan  
3 Tennenbaum. Daleiden invokes his Fifth Amendment right to refuse to respond to the allegation  
4 that Merritt presented a fake California driver's license on multiple occasions. Except as otherwise  
5 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the  
6 allegations in paragraph 61, Defendant denies each and every allegation of paragraph 61.

7       62. In response to paragraph 62, to the extent that the allegations constitute legal  
8 argument, those allegations do not require an answer. Defendant admits that Daleiden promoted  
9 BioMax as a tissue procurement organization and that Daleiden attended Planned Parenthood and  
10 NAF conferences. Defendant admits that Daleiden recruited and trained individuals to serve as  
11 workers for BioMax. To the extent that this paragraph purports to interpret a statement made by  
12 Daleiden, that statement speaks for itself, and thus requires no answer. Defendant admits that  
13 Defendant Daleiden recruited at least four workers and that some of the BioMax workers used the  
14 pseudonymous names Susan Tennenbaum, Brianna Allen, and Rebecca Wagner. Except as  
15 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
16 necessary to the allegations in paragraph 62, Defendant denies each and every allegation of  
17 paragraph 62.

18       63. In response to paragraph 63, to the extent that the allegations constitute legal  
19 argument, those allegations do not require an answer. Defendant admits that Catherine Short is  
20 CMP's registered agent for service of process but denies that she has served as such since CMP's  
21 inception. Defendant admits that, on July 14, 2015, the day Defendant posted the first video and  
22 public statement, LLDF issued a press release. To the extent this paragraph quotes a press release,  
23 that document speaks for itself and thus requires no answer. Except as otherwise admitted or  
24 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
25 in paragraph 63, Defendant denies each and every allegation of paragraph 63.

26       64. In response to paragraph 64, to the extent that the allegations constitute legal  
27 argument, those allegations do not require an answer. Defendant admits that, in or about September  
28 2013, Daleiden registered Merritt, under the name of Susan Tennenbaum, and another investigator,



1 under the name of Brianna Allen, for the Reproductive Health Professionals Conference in Denver,  
2 Colorado. Defendant admits that Merritt and the other investigator taped at least one Planned  
3 Parenthood affiliate staff member from Plaintiff PPPSW. Defendant admits that Merritt and the  
4 other investigator were registered for that conference by a credit card with the name Sofia Mireles.  
5 Except as otherwise admitted or denied, and in all other respects and to the extent an answer is  
6 deemed necessary to the allegations in paragraph 64, Defendant denies each and every allegation of  
7 paragraph 64.

8         65. In response to paragraph 65, to the extent that the allegations constitute legal  
9 argument, those allegations do not require an answer. Defendant denies that contact was made  
10 with NAF “[s]hortly thereafter” the ARHP conference in September, but admits that on or about  
11 November 27, 2013, two months after the ARHP conference, Defendant, through an email from  
12 BioMax email account in the name of Brianna Allen, contacted NAF to request information about  
13 reserving exhibitor space at the April 2014 annual conference in San Francisco. Defendant has no  
14 personal knowledge of the characterization of NAF in the second sentence, and thus lacks  
15 sufficient information or belief to admit or deny the allegations, and on that basis, denies such  
16 allegations. Except as otherwise admitted or denied, and in all other respects and to the extent an  
17 answer is deemed necessary to the allegations in paragraph 65, Defendant denies each and every  
18 allegation of paragraph 65.

19         66. In response to paragraph 66, to the extent that the allegations constitute legal  
20 argument, those allegations do not require an answer. To the extent such allegations require an  
21 answer, Defendant denies the same. Defendant has no personal knowledge of the allegations  
22 relating to NAF in this paragraph, and thus lacks sufficient information or belief to admit or deny  
23 the allegations, and on that basis, denies such allegations.

24         67. In response to paragraph 67, to the extent that the allegations constitute legal  
25 argument, those allegations do not require an answer. Defendant denies that all attendees are  
26 “require[d] . . . to show photo identification before gaining access to the annual conference.”  
27 Defendant denies that “NAF requires all attendees and exhibitors to sign strict confidentiality  
28 agreements.” Defendant denies that “all attendees” are “require[d] to sign a non-disclosure

1 agreement that prohibits making video, audio, photographic, or other recordings of the meetings or  
2 discussions at the conference.” Except as otherwise admitted or denied, and in all other respects  
3 and to the extent an answer is deemed necessary to the allegations in paragraph 67, Defendant  
4 states he has no personal knowledge of any remaining allegations in paragraph 67, and thus lacks  
5 sufficient information or belief to admit or deny the allegations, and on that basis, denies such  
6 allegations.

7         68. In response to paragraph 68, to the extent that the allegations constitute legal  
8 argument, those allegations do not require an answer. Defendant admits that he and Merritt, along  
9 with an investigator pseudonymously called Brianna Allen, entered and attended the NAF  
10 conference in San Francisco, held from April 5 to April 8, 2014, as BioMax representatives.  
11 Defendant admits that Merritt identified herself by the name and title of Susan Tennenbaum, CEO;  
12 the other investigator used the title of assistant, and Daleiden identified himself by the name and  
13 title Robert Sarkis, Vice President for Operations. Defendant admits that Daleiden had previously  
14 signed a document called the Exhibit Rules and Regulations. Defendant admits that he, Merritt,  
15 and the other investigator each signed a document titled “Confidentiality Agreement for NAF  
16 Annual Meeting.” Defendant admits that, at the time he signed this document, he intended to make  
17 video and audio recordings. Defendant admits that he, Merritt, and the other investigator made  
18 video and audio recordings of conference attendees. Defendant lacks sufficient knowledge of the  
19 mental state of each person recorded to know whether all recordings were made “without their  
20 knowledge or consent” to admit or deny this allegation, and on that basis denies the same. Except  
21 as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
22 necessary to the allegations in paragraph 68, Defendant denies each and every allegation of  
23 paragraph 68.

24         69. In response to paragraph 69, to the extent that the allegations constitute legal  
25 argument, those allegations do not require an answer. Defendant admits that he intended to  
26 develop professional relationships and secure connections for future efforts to uncover more of  
27 Planned Parenthood’s fetal tissue sale operation. Defendant admits that he secured an additional  
28 meeting with Dr. Nucatola. Except as otherwise admitted or denied, and in all other respects and to

1 the extent an answer is deemed necessary to the allegations in paragraph 69, Defendant denies each  
2 and every allegation of paragraph 69.

3 70. In response to paragraph 70, to the extent that the allegations constitute legal  
4 argument, those allegations do not require an answer. Defendant lacks personal knowledge  
5 regarding the state of mind of Dr. Nucatola and “other Planned Parenthood staff” as well as  
6 whether Planned Parenthood’s reliance upon NAF’s so-called “extensive screening and security  
7 measures” was reasonable, and thus he neither admits nor denies the allegations contained in this  
8 paragraph and on that basis denies the same. Except as otherwise admitted or denied, and in all  
9 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 70,  
10 Defendant denies each and every allegation of paragraph 70.

11 71. In response to paragraph 71, to the extent that the allegations constitute legal  
12 argument, those allegations do not require an answer. Defendant admits he, Merritt, and the other  
13 investigator recorded Plaintiffs’ staff and others. Except as otherwise admitted or denied, and in all  
14 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 71,  
15 Defendant denies each and every allegation of paragraph 71.

16 72. In response to paragraph 72, to the extent that the allegations constitute legal  
17 argument, those allegations do not require an answer. Defendant admits that he obtained  
18 documents and media from NAF, including a thumb drive that was provided to attendees at the  
19 annual meeting, containing presentations that were given at NAF’s annual meeting and a list of  
20 NAF “faculty” and their biographies. Defendant denies that this information was not available to  
21 the public and denies that it contained highly sensitive information. Except as otherwise admitted  
22 or denied, and in all other respects and to the extent an answer is deemed necessary to the  
23 allegations in paragraph 72, Defendant denies each and every allegation of paragraph 72.

24 73. In response to paragraph 73, to the extent that this paragraph paraphrases, states or  
25 interprets questions and/or answers from an interview between Newman and a Fox News reporter,  
26 the interview speaks for itself, and as such, does not require an answer. Except as otherwise  
27 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the  
28 allegations in paragraph 73, Defendant denies each and every allegation of paragraph 73.

1           74. To the extent the allegations of Paragraph 74 assert legal conclusions, no response is  
2 required. To the extent that the allegations in this paragraph paraphrase, state or interpret the  
3 Temporary Restraining Order (hereafter TRO) in *NAF v. The Center for Medical Progress, et al.*  
4 (8/3/15 Order, Docket No. 27, N.D. Cal. Case No. 3:15-cv-03522-WHO), the TRO speaks for  
5 itself, and as such, do not require an answer. Except as otherwise admitted or denied, and in all  
6 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 74,  
7 Defendant denies each and every allegation of paragraph 74.

8           75. In response to paragraph 75, to the extent that the allegations constitute legal  
9 argument, those allegations do not require an answer. Defendant denies that the NAF conference  
10 was highly secure. Defendant admits that he arranged a meeting with Nucatola after the NAF  
11 conference. Except as otherwise admitted or denied, and in all other respects and to the extent an  
12 answer is deemed necessary to the allegations in paragraph 75, Defendant lacks sufficient  
13 information or belief to admit or deny the allegations, and on that basis, denies such allegations.

14           76. In response to paragraph 76, to the extent that the allegations constitute legal  
15 argument, those allegations do not require an answer. Defendant admits that Daleiden (using the  
16 name “Robert Sarkis”) and Merritt (using the title and name of BioMax’s CEO “Susan  
17 Tennenbaum”) met with Dr. Nucatola on July 25, 2014, and recorded the conversation. Defendant  
18 lacks knowledge of the subjective, internal belief or intent of Dr. Nucatola concerning her  
19 communications, her knowledge, or her intent in arranging the meeting location and neither admits  
20 nor denies these allegations and on that basis denies the same. Except as otherwise admitted or  
21 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
22 in paragraph 74, Defendant denies each and every allegation of paragraph 76.

23           77. In response to paragraph 77, to the extent that the allegations constitute legal  
24 argument, those allegations do not require an answer. To the extent an answer is deemed necessary  
25 to the allegations in paragraph 77, Defendant denies each and every allegation of paragraph 77.

26           78. In response to paragraph 78, Defendant lacks sufficient information or belief to  
27 admit or deny the allegations, and on that basis, denies such allegations.

28           79. In response to paragraph 79, Defendant lacks sufficient information or belief to

1 admit or deny the allegations, and on that basis, denies such allegations.

2       80. In response to paragraph 80, to the extent that the allegations constitute legal  
3 argument, those allegations do not require an answer. Defendant admits that Daleiden and Lopez  
4 attended three PPFA conferences as exhibitors for BioMax. Defendant admits that they intended to  
5 record, to establish relationships with Planned Parenthood staff, and to produce videos relating to  
6 Planned Parenthood. Except as otherwise admitted or denied, and in all other respects and to the  
7 extent an answer is deemed necessary to the allegations in paragraph 80, Defendant denies each  
8 and every allegation of paragraph 80.

9       81. In response to paragraph 81, to the extent that the allegations constitute legal  
10 argument, those allegations do not require an answer. Defendant admits that Daleiden registered  
11 BioMax as an exhibitor for the PPFA North American Forum on Family Planning (the “Forum”)  
12 held in Miami from October 12 to October 14, 2014. Except as otherwise admitted or denied, and  
13 in all other respects and to the extent an answer is deemed necessary to the allegations in paragraph  
14 81, Defendant lacks sufficient information or belief to admit or deny the allegations, and on that  
15 basis, denies such allegations.

16       82. In response to paragraph 82, to the extent that the allegations constitute legal  
17 argument, those allegations do not require an answer. To the extent that Paragraph 82 purports to  
18 characterize the content of certain written documents, those documents speak for themselves and  
19 thus do not require an answer. Except as otherwise admitted or denied, and in all other respects  
20 and to the extent an answer is deemed necessary to the allegations in paragraph 82, Defendant lacks  
21 sufficient information or belief to admit or deny the allegations, and on that basis, denies such  
22 allegations.

23       83. In response to paragraph 83, to the extent that the allegations constitute legal  
24 argument, those allegations do not require an answer. Defendant admits that Daleiden (using the  
25 name “Robert Sarkis”) registered himself and Lopez as Exhibitors for the Forum. Defendant  
26 admits that Daleiden electronically confirmed that he had read the Exhibitor Terms and Conditions.  
27 Defendant denies all remaining allegations contained in Paragraph 83. Except as otherwise  
28 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the

1 allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

2       84. In response to paragraph 84, to the extent that the allegations constitute legal  
3 argument, those allegations do not require an answer. Defendant lacks sufficient information to  
4 form a belief regarding PPFA's internal policies and regarding what decisions PPFA might have  
5 made under certain circumstances, and therefore denies all remaining allegations contained in  
6 Paragraph 84.

7       85. In response to paragraph 85, to the extent that the allegations constitute legal  
8 argument, those allegations do not require an answer. To the extent such allegations require an  
9 answer, Defendant denies the same. Defendant Daleiden admits that he presented himself at  
10 registration as a representative of BioMax, using the name Robert Sarkis. Defendant Daleiden  
11 invokes his Fifth Amendment right to refuse to respond to the remainder of this paragraph.

12       86. In response to paragraph 86, to the extent that the allegations constitute legal  
13 argument, those allegations do not require an answer. To the extent such allegations require an  
14 answer, Defendant denies the same. Defendant invokes his Fifth Amendment right to refuse to  
15 respond to the allegations of this paragraph.

16       87. In response to Paragraph 87, to the extent that the allegations constitute legal  
17 argument, those allegations do not require an answer. Defendant admits that he provided  
18 advertising material about their test company, BioMax, at the conference. He admits that he  
19 provided his business cards at the Forum and other Planned Parenthood Conferences and meetings.  
20 Except as otherwise admitted or denied, and in all other respects and to the extent an answer is  
21 deemed necessary to the allegations in paragraph 87, Defendant denies each and every allegation of  
22 paragraph 87.

23       88. In response to Paragraph 88, to the extent that the allegations constitute legal  
24 argument, those allegations do not require an answer. Defendant admits that he presented and  
25 disseminated advertising materials about BioMax. Defendant admits that the illustration shown is  
26 an accurate reproduction of the front of a BioMax brochure. Except as otherwise admitted or  
27 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
28 in paragraph 88, Defendant denies each and every allegation of paragraph 88.

1           89. In response to paragraph 89, to the extent that the allegations constitute legal  
2 argument, those allegations do not require an answer. To the extent that Paragraph 89 purports to  
3 characterize the content of certain written documents, those documents speak for themselves and  
4 thus do not require an answer. Defendant admits that the reproduced statement appeared on the  
5 BioMax website until the website was locked. Except as otherwise admitted or denied, and in all  
6 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 89,  
7 Defendant denies each and every allegation of paragraph 89.

8           90. In response to paragraph 90, to the extent that the allegations constitute legal  
9 argument, those allegations do not require an answer. Defendant admits he and Lopez recorded  
10 conversations with attendees. Defendant has no knowledge of the subjective, internal belief  
11 regarding whether attendees “reasonably expected their communications at the conferences [would  
12 be] private and kept confidential” and thus neither admits nor denies these allegations and on that  
13 basis denies the same. Defendant admits that he and Lopez presented themselves as representatives  
14 as BioMax and that they approached Planned Parenthood staff about fetal tissue donation. Except  
15 as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
16 necessary to the allegations in paragraph 90, Defendant denies each and every allegation of  
17 paragraph 90.

18           91. In response to paragraph 91, to the extent the allegations constitute legal argument,  
19 those allegations do not require an answer. Defendant admits that Daleiden, using the name and  
20 title Robert Daoud Sarkis, Procurement Manager/VP Operations for BioMax, contacted a doctor  
21 from the Planned Parenthood affiliate in Arizona. To the extent that this paragraph purports to  
22 quote, summarize, or paraphrase that communication, that communication speaks for itself and as  
23 such no answer is necessary. Except as otherwise admitted or denied, and in all other respects and  
24 to the extent an answer is deemed necessary to the allegations in paragraph 91, Defendant denies  
25 each and every allegation of paragraph 91.

26           92. In response to paragraph 92, to the extent the allegations constitute legal argument,  
27 those allegations do not require an answer. To the extent that Paragraph 92 purports to characterize  
28 the content of certain written documents, those documents speak for themselves. Except as



1 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
2 necessary to the allegations in paragraph 92, Defendant denies each and every allegation of  
3 paragraph 92.

4 93. In response to paragraph 93, to the extent the allegations constitute legal argument,  
5 those allegations do not require an answer. To the extent that Paragraph 93 purports to characterize  
6 the content of certain written documents, those documents speak for themselves. Defendant has no  
7 knowledge of the subjective, internal belief regarding what the Plaintiffs' and other affiliates' staff  
8 "reasonably" believed concerning Planned Parenthood conference exhibitors and can neither admit  
9 nor deny these allegations and on that basis denies the same. Except as otherwise admitted or  
10 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
11 in paragraph 93, Defendant denies each and every allegation of paragraph 93.

12 94. In response to paragraph 94, to the extent the allegations constitute legal argument,  
13 those allegations do not require an answer. Defendant lacks sufficient information to admit or deny  
14 that Planned Parenthood Arizona does not currently "facilitate fetal tissue donation," and therefore  
15 denies the same. Defendant admits that the Arizona physicians responded professionally and  
16 courteously to the emails from Robert Sarkis. Defendant admits that Sarkis and Planned  
17 Parenthood Arizona agreed to discuss a potential professional partnership. Defendant denies that  
18 "all of Plaintiffs' staff" have "never engaged in – or agreed to engage in – any unlawful or  
19 improper activity." Except as otherwise admitted or denied, and in all other respects and to the  
20 extent an answer is deemed necessary to the allegations in paragraph 94, Defendant lacks sufficient  
21 information or belief to admit or deny the allegations, and on that basis, denies such allegations.

22 95. In response to paragraph 95, to the extent allegations constitute legal argument,  
23 those allegations do not require an answer. Defendant admits Daleiden sent emails to Dr. Gatter. To  
24 the extent that this paragraph purports to quote, summarize, or paraphrase those e-mails or  
25 attachments, those documents speak for themselves and as such no answer is necessary. Except as  
26 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
27 necessary to the allegations in paragraph 95, Defendant denies each and every allegation of  
28 paragraph 95.



1           96. In response to paragraph 96, to the extent allegations constitute legal argument,  
2 those allegations do not require an answer. Defendant has no knowledge of the subjective, internal  
3 beliefs of Dr. Gatter and her PPPSGV colleague and neither admits nor denies these allegations and  
4 on that basis denies the same. Except as otherwise admitted or denied, and in all other respects and  
5 to the extent an answer is deemed necessary to the allegations in paragraph 96, Defendant lacks  
6 sufficient information or belief to admit or deny the allegations, and on that basis, denies such  
7 allegations.

8           97. In response to paragraph 97, to the extent allegations constitute legal argument,  
9 those allegations do not require an answer. Defendant admits that, on or about February 6, 2015,  
10 Defendants Daleiden and Merritt met with Dr. Gatter and her colleague at a Pasadena restaurant.  
11 Defendant has no personal knowledge regarding Dr. Gatter or her colleague's state of mind and  
12 thus neither admits nor denies the allegations of their "inten[t]" and on that basis denies the same.  
13 Defendant admits that the group was seated at the back of the restaurant. Defendant admits that Dr.  
14 Gatter noted that the music was loud. Defendant admit he and Merritt recorded the meeting, but has  
15 no knowledge of Dr. Gatter or her colleague's mental state regarding knowledge or consent to the  
16 recording, and therefore neither admits nor denies these allegations and on that basis denies the  
17 same. Except as otherwise admitted or denied, and in all other respects and to the extent an answer  
18 is deemed necessary to the allegations in paragraph 97, Defendant denies each and every allegation  
19 of paragraph 97.

20           98. In response to paragraph 98, to the extent that the allegations constitute legal  
21 argument, those allegations do not require an answer. Defendant admits that, on or about February  
22 6, 2015, Daleiden registered as an Exhibitor for the MeDC Conference, to be held in Orlando,  
23 Florida from February 25 to March 2, 2015. Defendant admits that Daleiden registered himself and  
24 Lopez as attendees at the event's reception and group dinner. Defendant lacks sufficient  
25 information to admit or deny that the event's reception and group dinner were "firmly restricted to  
26 registered conference participants," and therefore denies the same. Except as otherwise admitted or  
27 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
28 in paragraph 98, Defendant denies each and every allegation of paragraph 98.

1           99. In response to paragraph 99, to the extent that the allegations constitute legal  
2 argument, those allegations do not require an answer. To the extent that Paragraph 99 purports to  
3 characterize the content of certain written documents, those documents speak for themselves and  
4 thus do not require an answer. To the extent that Paragraph 234 alleges that all Exhibitors executed  
5 identical agreements, Defendant lacks sufficient information to admit or deny these allegations and  
6 therefore denies the same. Except as otherwise admitted or denied, and in all other respects and to  
7 the extent an answer is deemed necessary to the allegations in paragraph 99, Defendant denies each  
8 and every allegation of paragraph 99.

9           100. In response to paragraph 100, to the extent that the allegations constitute legal  
10 argument, those allegations do not require an answer. To the extent that Paragraph 100 purports to  
11 characterize the content of certain written documents, those documents speak for themselves.  
12 Defendant has no personal knowledge as to whether these “special badges” were “used by  
13 attendees to identify other attendees who had registered and were purportedly present for reasons  
14 consistent with PPFA’s mission,” or were necessary for admittance to conference sessions, and  
15 thus lacks sufficient information to admit nor deny these allegations and on that basis denies the  
16 same. Except as otherwise admitted or denied, and in all other respects and to the extent an answer  
17 is deemed necessary to the allegations in paragraph 100, Defendant denies each and every  
18 allegation of paragraph 100.

19           101. In response to paragraph 101, to the extent that the allegations constitute legal  
20 argument, those allegations do not require an answer. Defendant admits that Defendant Daleiden  
21 and Lopez attended as representatives of BioMax. Defendant admits that Daleiden completed the  
22 Exhibitor registration for Daleiden and Lopez, with Daleiden using the name Robert Sarkis.  
23 Defendant admits the registration was electronically signed. Defendant denies that he and Lopez  
24 had no intention of complying with the Terms and Conditions. Defendant denies that they violated  
25 them repeatedly and with malicious intent. Except as otherwise admitted or denied, and in all other  
26 respects and to the extent an answer is deemed necessary to the allegations in paragraph 101,  
27 Defendant denies each and every allegation of paragraph 101.

28           102. In response to paragraph 102, to the extent that the allegations constitute legal

1 argument, those allegations do not require an answer. Defendant denies having fraudulently gained  
2 access to the MeDC conference. Defendant admits he and Lopez recorded conversations.  
3 Defendant denies that they baited conference participants. Except as otherwise admitted or denied,  
4 and in all other respects and to the extent an answer is deemed necessary to the allegations in  
5 paragraph 102, Defendant lacks sufficient information or belief to admit or deny the allegations,  
6 and on that basis, denies such allegations.

7 103. In response to paragraph 103, to the extent that the allegations constitute legal  
8 argument, those allegations do not require an answer. Except as otherwise admitted or denied, and  
9 in all other respects and to the extent an answer is deemed necessary to the allegations in paragraph  
10 103, Defendant denies each and every allegation of paragraph 103.

11 104. In response to paragraph 104, to the extent the allegations constitute legal argument,  
12 those allegations do not require an answer. Defendant admits that Daleiden emailed a PPOSBC  
13 doctor. To the extent that this paragraph purports to quote, summarize, or paraphrase that e-mail or  
14 attachments, the documents speak for themselves and as such no answer is necessary. Except as  
15 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
16 necessary to the allegations in paragraph 104, Defendant denies each and every allegation of  
17 paragraph 104.

18 105. In response to paragraph 105, to the extent that the allegations constitute legal  
19 argument, those allegations do not require an answer. Defendant admits that he and Lopez  
20 attended a third Planned Parenthood conference, the PPFA National Conference in Washington,  
21 D.C., which was held from March 16 to March 20, 2015. To the extent that Paragraph 105  
22 purports to characterize the content of certain written documents, those documents speak for  
23 themselves and as such do not require an answer. To the extent that Paragraph 105 alleges that all  
24 Exhibitors executed identical agreements, Defendant lacks sufficient information to admit or deny  
25 these allegations and therefore denies the same. Except as otherwise admitted or denied, and in all  
26 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 105,  
27 Defendant denies each and every allegation of paragraph 105

28 106. In response to paragraph 106, to the extent that the allegations constitute legal

1 argument, those allegations do not require an answer. Defendant admits that, on or about February  
2 17, 2015, Daleiden registered BioMax for the PPFA National Conference. Defendant lacks  
3 sufficient information to admit or deny whether he electronically confirmed that he had read the  
4 Exhibitor Terms and Conditions, understood them, and was in compliance with them, and on that  
5 basis, denies the same. Defendants lack sufficient information to admit or deny whether he  
6 registered for the conference's major fundraising dinner event and made any statement in  
7 connection therewith, and on that basis, denies the same. To the extent that Paragraph 106 purports  
8 to characterize the content of certain written documents, those documents speak for themselves and  
9 as such do not require an answer. Except as otherwise admitted or denied, and in all other respects  
10 and to the extent an answer is deemed necessary to the allegations in paragraph 106, Defendant  
11 denies each and every allegation of paragraph 106.

12 107. In response to paragraph 107, to the extent that the allegations constitute legal  
13 argument, those allegations do not require an answer. Except as otherwise admitted or denied, and  
14 in all other respects and to the extent an answer is deemed necessary to the allegations in paragraph  
15 107, Defendant lacks sufficient information or belief to admit or deny the allegations, and on that  
16 basis, denies such allegations.

17 108. In response to paragraph 108, to the extent that the allegations constitute legal  
18 argument, those allegations do not require an answer. Defendant admits Daleiden and Lopez  
19 recorded conversations. Except as otherwise admitted or denied, and in all other respects and to the  
20 extent an answer is deemed necessary to the allegations in paragraph 108, Defendant denies each  
21 and every allegation of paragraph 108.

22 109. In response to paragraph 109, to the extent that the allegations constitute legal  
23 argument, those allegations do not require an answer. Defendant admits that they entered the  
24 PPRM offices on or about April 7, 2015, including a conference room and laboratory area.  
25 Daleiden admits that they arranged this meeting under the auspices of their test-company, BioMax  
26 Procurement Services. Defendant admits that Daleiden met a PPRM physician at NAF and/or  
27 Planned Parenthood conferences. Except as otherwise admitted or denied, and in all other respects  
28 and to the extent an answer is deemed necessary to the allegations in paragraph 109, Defendant

1 denies each and every allegation of paragraph 109.

2       110. In response to paragraph 110, to the extent that the allegations constitute legal  
3 argument, those allegations do not require an answer. Defendant admits that a PPRM physician  
4 agreed to meet with Daleiden and Merritt to discuss fetal tissue donation for medical research.  
5 Defendant has no knowledge of this physician's mental state or what she "understood" to be the  
6 nature of the meeting and thus lack sufficient information to admit or deny these allegations and on  
7 that basis denies the same. Defendant has no knowledge of whether PPRM staff would have  
8 permitted Daleiden or Merritt into particular areas of their facility had they had different  
9 knowledge and neither admits nor denies these allegations and on that basis denies the same.  
10 Defendant has no knowledge of the subjective, internal belief regarding what the PPRM staff  
11 "intended" concerning their communications and neither admits nor denies these allegations and on  
12 that basis denies the same. Defendant denies that the subject matter of the disclosure was  
13 "confidential and proprietary." Defendant admits that portions of the conversation took place in a  
14 conference room and laboratory. Except as otherwise admitted or denied, and in all other respects  
15 and to the extent an answer is deemed necessary to the allegations in paragraph 110, Defendant  
16 denies each and every allegation of paragraph 110.

17       111. In response to paragraph 111, to the extent that the allegations constitute legal  
18 argument, those allegations do not require an answer. Defendant admits that Daleiden and Merritt,  
19 on or about April 9, 2015, attended a scheduled meeting to which they were invited at PPGC's  
20 Houston location. Except as otherwise admitted or denied, and in all other respects and to the  
21 extent an answer is deemed necessary to the allegations in paragraph 111, Defendant denies each  
22 and every allegation of paragraph 111.

23       112. In response to paragraph 112, to the extent that the allegations constitute legal  
24 argument, those allegations do not require an answer. Defendant has no knowledge of whether and  
25 why PPGC has implemented extensive security protocols at the clinic and neither admits nor denies  
26 these allegations, and on that basis denies the same. Defendant Daleiden has no knowledge about  
27 whether a security officer is always posted at the entrance, and therefore neither admits nor denies  
28 this allegation, and on that basis denies the same. Defendant denies that all visitors are required to

1 pass through a metal detector. Defendant Daleiden denies that they were asked to pass through a  
2 metal detector. Except as otherwise admitted or denied, and in all other respects and to the extent  
3 an answer is deemed necessary to the allegations in paragraph 112, Defendant denies each and  
4 every allegation of paragraph 112.

5 113. In response to paragraph 113, to the extent that the allegations constitute legal  
6 argument, those allegations do not require an answer. Defendant lacks sufficient knowledge of  
7 PPGC's "regular security protocols" to either admit or deny these allegations, and on that basis  
8 denies the same. Defendant Daleiden invokes his Fifth Amendment privilege in response to the  
9 allegations in the second sentence in this paragraph. Defendant lacks knowledge regarding whether  
10 any cards were scanned, copied, and checked; he lacks knowledge of whether the database would  
11 or would not have identified Merritt or him; he lacks knowledge of whether PPGC "would have  
12 identified them as known anti-abortion activists" had he or Merritt provided different names; he  
13 lacks knowledge whether PPGC would have "taken steps" in that hypothetical situation; as such, he  
14 neither admits nor denies each and all of these allegations, and on that basis denies the same.  
15 Except as otherwise admitted or denied, and in all other respects and to the extent an answer is  
16 deemed necessary to the allegations in paragraph 113, Defendant denies each and every allegation  
17 of paragraph 113.

18 114. In response to paragraph 114, to the extent that the allegations constitute legal  
19 argument, those allegations do not require an answer. Defendant admits to having signed a  
20 document titled "Non-Disclosure and Confidentiality Agreement." To the extent that this  
21 paragraph purports to quote that agreement, that document speaks for itself and as such no answer  
22 is necessary. Except as otherwise admitted or denied, and in all other respects and to the extent an  
23 answer is deemed necessary to the allegations in paragraph 114, Defendant denies each and every  
24 allegation of paragraph 114.

25 115. In response to paragraph 115, to the extent that the allegations constitute legal  
26 argument, those allegations do not require an answer. Defendant admits that he and Merritt met  
27 with PPGC staff several days after he signed the NDA. Defendant has no knowledge as to the  
28 mental state of the PPGC staff and neither admits nor denies the allegations in the second sentence

1 and on that basis denies the same. Except as otherwise admitted or denied, and in all other respects  
2 and to the extent an answer is deemed necessary to the allegations in paragraph 115, Defendant  
3 denies each and every allegation of paragraph 115.

4 116. In response to paragraph 116, to the extent that the allegations constitute legal  
5 argument, those allegations do not require an answer. Defendant has no knowledge as to the  
6 mental state of the PPGC staff and neither admits nor denies the allegations in the first, third, and  
7 fourth sentences and on that basis denies the same. Defendant admits that the subject matter of  
8 limited portions of the conversation involved PPGC's internal operations but denies that the  
9 communications "fit squarely within the NDA." Except as otherwise admitted or denied, and in all  
10 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 116,  
11 Defendant denies each and every allegation of paragraph 116.

12 117. In response to paragraph 117, to the extent that the allegations constitute legal  
13 argument, those allegations do not require an answer. Defendant admits that, in or about August of  
14 2015, Daleiden and CMP posted a video recording containing excerpts of the meeting held at  
15 PPGC. Except as otherwise admitted or denied, and in all other respects and to the extent an answer  
16 is deemed necessary to the allegations in paragraph 117, Defendant denies each and every  
17 allegation of paragraph 117.

18 118. In response to paragraph 118, to the extent that the allegations constitute legal  
19 argument, those allegations do not require an answer. Defendant admits that Daleiden, Merritt, and  
20 Lopez attended NAF's 2015 annual meeting in Baltimore, Maryland, which was held from April  
21 18-21, 2015. Defendant denies the allegations in the second sentence. Defendant Daleiden admits  
22 that, on or about September 23, 2014, Daleiden, under the name Robert Sarkis, with a M.S. in  
23 Biological Science, submitted a proposal online for a panel discussion with BioMax and Dr.  
24 Nucatola. Defendant Daleiden admits that Dr. Nucatola is the same doctor with whom he had  
25 eaten lunch on or about July 25, 2014, and whom he had recorded. Daleiden admits that the  
26 proposed panel would discuss integration of tissue donation services into clinical practice.  
27 Defendant Daleiden admits that the proposal was not accepted for inclusion at the 2015 convention,  
28 but lacks knowledge of whether it was "rejected by the NAF Annual Meeting Planning



1 Committee,” and therefore neither admits nor denies these allegations and on that basis denies the  
2 same. Except as otherwise admitted or denied, and in all other respects and to the extent an answer  
3 is deemed necessary to the allegations in paragraph 118, Defendant denies each and every  
4 allegation of paragraph 118.

5 119. In response to paragraph 119, to the extent that the allegations constitute legal  
6 argument, those allegations do not require an answer. Defendant admits that on or about February  
7 10, 2015, Daleiden sent an email to NAF seeking information for exhibiting at the 39th NAF  
8 meeting in Baltimore. To the extent that this paragraph purports to quote an email message, that  
9 document speaks for itself and as such no answer is required. Except as otherwise admitted or  
10 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
11 in paragraph 119, Defendant denies each and every allegation of paragraph 119.

12 120. In response to paragraph 120, to the extent that the allegations constitute legal  
13 argument, those allegations do not require an answer. Defendant admits that, on or about March 25,  
14 2015, Daleiden signed NAF’s Exhibit Rules and Regulations in the name of BioMax, and that its  
15 exhibit would relate to fetal tissue procurement and human biospecimen procurement. To the  
16 extent that this paragraph purports to paraphrase or refer to the Exhibit Rules and Regulations, the  
17 documents speak for themselves and as such no answer is required. Defendant admits the  
18 allegations of the third and fourth sentences of this paragraph. Except as otherwise admitted or  
19 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
20 in paragraph 120, Defendant denies each and every allegation of paragraph 120.

21 121. In response to paragraph 121, to the extent that the allegations constitute legal  
22 argument, those allegations do not require an answer. Defendant admits that Lopez signed the  
23 document titled “NAF Confidentiality Agreement for NAF Annual Meeting April 18-21, 2015,”  
24 prior to entering the convention, listing BioMax as the organization with which he was affiliated.  
25 To the extent that Paragraph 121 purports to characterize the content of certain written documents,  
26 those documents speak for themselves and as such no answer is required. Except as otherwise  
27 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the  
28 allegations in paragraph 121, Defendant denies each and every allegation of paragraph 121.



1           122. In response to paragraph 122, to the extent that the allegations constitute legal  
2 argument, those allegations do not require an answer. Defendant admits that Daleiden, Lopez,  
3 Merritt taped conversations with attendees. Except as otherwise admitted or denied, and in all  
4 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 122,  
5 Defendant denies each and every allegation of paragraph 122.

6           123. To the extent the allegations of Paragraph 123 assert legal conclusions, no response  
7 is required. To the extent that the allegations in this paragraph paraphrase, state or interpret the  
8 Temporary Restraining Order (hereafter TRO) in *NAF v. The Center for Medical Progress, et al.*  
9 (8/3/15 Order, Docket No. 27, N.D. Cal. Case No. 3:15-cv-03522-WHO), the TRO speaks for  
10 itself, and as such, do not require an answer. Except as otherwise admitted or denied, and in all  
11 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 123,  
12 Defendant denies each and every allegation of paragraph 123.

13           124. In response to paragraph 124, to the extent that the allegations constitute legal  
14 argument, those allegations do not require an answer. Defendant admits that Daleiden and CMP  
15 released a number of professionally edited, short videos—and the accompanying full length  
16 videos—as part of the “Human Capital Project.” Defendant admit that these videos showed  
17 evidence that Planned Parenthood had violated federal law related to fetal tissue donation.  
18 Defendant admits that these videos were composed in part of clips from the footage they had  
19 obtained of PPFA staff and affiliates’ health care professionals. Defendant admit that the videos  
20 were posted to CMP’s website and disseminated on YouTube and Facebook. Except as otherwise  
21 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the  
22 allegations in paragraph 124, Defendant denies each and every allegation of paragraph 124.

23           125. In response to paragraph 125, to the extent that the allegations constitute legal  
24 argument, those allegations do not require an answer. To the extent that Paragraph 125 purports to  
25 characterize the content of certain written documents, those documents speak for themselves.  
26 Defendant admits that the videos and press releases were intended to motivate legislators, citizens,  
27 and government officials to take action to stop illegal and unethical behaviors. Except as otherwise  
28 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the

1 allegations in paragraph 125, Defendant denies each and every allegation of paragraph 125.

2       126. In response to paragraph 126, to the extent that the allegations constitute legal  
3 argument, those allegations do not require an answer. To the extent that Paragraph 126 purports to  
4 characterize the content of certain written documents, those documents speak for themselves and as  
5 such no answer is required. To the extent a response is required, Defendant denies both the  
6 analysis and conclusions of the heavily biased, long-discredited “GPS Fusion Report.” Except as  
7 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
8 necessary to the allegations in paragraph 126, Defendant denies each and every allegation of  
9 paragraph 126.

10       127. In response to paragraph 127, to the extent that the allegations constitute legal  
11 argument, those allegations do not require an answer. To the extent that Paragraph 127 purports to  
12 characterize the content of certain written documents, those documents speak for themselves and as  
13 such no answer is required. To the extent a response is required, Defendant denies both the  
14 analysis and conclusions of the heavily biased, long-discredited “GPS Fusion Report.” Except as  
15 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
16 necessary to the allegations in paragraph 127, Defendant denies each and every allegation of  
17 paragraph 127.

18       128. In response to paragraph 128, to the extent that the allegations constitute legal  
19 argument, those allegations do not require an answer. Defendant admits that, on or about July 14,  
20 2015, Daleiden and CMP posted the first professionally edited video showing PPFA staff.  
21 Defendant admits that Daleiden and CMP used, as part of the professional editing process, selected  
22 clips from the meeting Daleiden and Merritt had with Dr. Nucatola. Defendant admits that  
23 Daleiden and CMP posted the “long-form” (full) video of this meeting simultaneously with the  
24 professionally edited version. To the extent that Paragraph 128 purports to characterize the content  
25 of certain written documents, those documents speak for themselves and as such no answer is  
26 required. Except as otherwise admitted or denied, and in all other respects and to the extent an  
27 answer is deemed necessary to the allegations in paragraph 128, Defendant denies each and every  
28 allegation of paragraph 128.

1           129. In response to paragraph 129, to the extent that the allegations constitute legal  
2 argument, those allegations do not require an answer. They admit that the professionally edited  
3 videos did show Dr. Nucatola, and Planned Parenthood affiliates, to be selling fetal tissue for  
4 profit. To the extent that Paragraph 129 purports to characterize the content of certain written  
5 documents, those documents speak for themselves and as such no answer is required. Defendant  
6 admits that not everything Nucatola said was included in the professionally edited video, but denies  
7 the remainder of the allegations. Except as otherwise admitted or denied, and in all other respects  
8 and to the extent an answer is deemed necessary to the allegations in paragraph 129, Defendant  
9 denies each and every allegation of paragraph 129.

10           130. In response to paragraph 130, to the extent that the allegations constitute legal  
11 argument, those allegations do not require an answer. Defendant admits that the reaction to the  
12 video was immediate. Defendant admits that Dr. Nucatola shut down her Twitter account, but  
13 lacks sufficient knowledge to admit or deny that it was within one and one half hours after posting  
14 and on that basis denies the same. To the extent that Paragraph 130 purports to characterize the  
15 content of certain writings, those writings speak for themselves and thus do not require an answer.  
16 Except as otherwise admitted or denied, and in all other respects and to the extent an answer is  
17 deemed necessary to the allegations in paragraph 130, Defendant denies each and every allegation  
18 of paragraph 130.

19           131. In response to paragraph 131, to the extent that the allegations constitute legal  
20 argument, those allegations do not require an answer. Defendant admits that, after posting the first  
21 Human Capital Project video online, Daleiden gave media interviews. To the extent that Paragraph  
22 131 purports to characterize the content of the oral statements and recorded interviews, those  
23 statements and recordings speak for themselves and as such no answer is required. Except as  
24 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
25 necessary to the allegations in paragraph 131, Defendant denies each and every allegation of  
26 paragraph 131.

27           132. In response to paragraph 132, to the extent that the allegations constitute legal  
28 argument, those allegations do not require an answer. To the extent that Paragraph 132 purports to

1 characterize the content of certain written and oral documents, those documents speak for  
2 themselves and as such no answer is required. Except as otherwise admitted or denied, and in all  
3 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 132,  
4 Defendant denies each and every allegation of paragraph 132.

5 133. In response to paragraph 133, to the extent that the allegations constitute legal  
6 argument, those allegations do not require an answer. Defendant admits that, on or about July 21,  
7 2015, Daleiden and CMP posted a professionally edited video containing portions of a meeting  
8 held on or about February 6, 2015, with Dr. Gatter. To the extent that Paragraph 133 purports to  
9 characterize the content of certain recordings, those recordings speak for themselves and thus  
10 require no answer. Except as otherwise admitted or denied, and in all other respects and to the  
11 extent an answer is deemed necessary to the allegations in paragraph 133, Defendant denies each  
12 and every allegation of paragraph 133.

13 134. In response to paragraph 134, to the extent that the allegations constitute legal  
14 argument, those allegations do not require an answer. To the extent that Paragraph 134 purports to  
15 characterize the content of certain recordings, those recordings speak for themselves and thus  
16 require no answer. Except as otherwise admitted or denied, and in all other respects and to the  
17 extent an answer is deemed necessary to the allegations in paragraph 134, Defendant denies each  
18 and every allegation of paragraph 134.

19 135. In response to paragraph 135, to the extent that the allegations constitute legal  
20 argument, those allegations do not require an answer. Defendant lacks sufficient knowledge of the  
21 allegations of this paragraph to admit or deny them, and on that basis denies the same. Except as  
22 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
23 necessary to the allegations in paragraph 135, Defendant denies each and every allegation of  
24 paragraph 135.

25 136. In response to paragraph 136, to the extent that the allegations constitute legal  
26 argument, those allegations do not require an answer. Defendant admits that, on or about July 22,  
27 2015, Daleiden was interviewed by Sean Hannity of Fox News. To the extent that Paragraph 136  
28 purports to characterize the content of certain statements, those statements speak for themselves

1 and as such no answer is required. Except as otherwise admitted or denied, and in all other respects  
2 and to the extent an answer is deemed necessary to the allegations in paragraph 136, Defendant  
3 denies each and every allegation of paragraph 136.

4 137. In response to paragraph 137, to the extent that the allegations constitute legal  
5 argument, those allegations do not require an answer. Defendant admits that on or about July 30,  
6 2015, Daleiden and CMP posted a professionally edited video using footage taken inside the PPRM  
7 health center in Denver. To the extent that Paragraph 137 purports to characterize the content of  
8 any videos or any written materials, those videos and materials speak for themselves and as such no  
9 answer is required. Except as otherwise admitted or denied, and in all other respects and to the  
10 extent an answer is deemed necessary to the allegations in paragraph 137, Defendant denies each  
11 and every allegation of paragraph 137.

12 138. In response to paragraph 138, to the extent that the allegations constitute legal  
13 argument, those allegations do not require an answer. To the extent such allegations require an  
14 answer, Defendant denies the same. Defendant lacks sufficient knowledge of, and has no personal  
15 knowledge of, the allegations in this paragraph and thus neither admits nor denies any and all of  
16 them, and on that basis denies the same.

17 139. In response to paragraph 139, to the extent that the allegations constitute legal  
18 argument, those allegations do not require an answer. Defendant admits that, on or about August 4,  
19 2015, Daleiden and CMP posted on their website a professionally edited video using footage from  
20 the April 9, 2015, meeting inside the PPGC office and clinic space in Texas. To the extent that  
21 Paragraph 137 purports to characterize the content of any videos or any written materials, those  
22 videos and materials speak for themselves and as such no answer is required. Except as otherwise  
23 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the  
24 allegations in paragraph 139, Defendant denies each and every allegation of paragraph 139.

25 140. In response to paragraph 140, to the extent that the allegations constitute legal  
26 argument, those allegations do not require an answer. Defendant lacks sufficient knowledge  
27 regarding the allegations of the first sentence and thus they lack sufficient information or belief to  
28 admit or deny the allegations, and on that basis, denies such allegations. Defendant lacks sufficient

1 knowledge regarding the alleged comments posted to CMP's YouTube channel for the video in  
2 question and, as there are over 3,000 comments, many nested within multiple layers of other  
3 comments which must be individually clicked on to be read, thus he lacks sufficient information or  
4 belief to admit or deny the allegations, and on that basis, denies such allegations. Except as  
5 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
6 necessary to the allegations in paragraph 140, Defendant denies each and every allegation of  
7 paragraph 140.

8 141. In response to paragraph 141, to the extent that the allegations constitute legal  
9 argument, those allegations do not require an answer. Defendant admits that, after August of 2015,  
10 Daleiden and CMP continued to release professionally edited videos containing clips from several  
11 PPFA and affiliate meetings and spaces, including the Exhibit Hall of one conference, as well as a  
12 Planned Parenthood affiliate's office and laboratory space. Defendant admits that Daleiden and  
13 CMP released videos on January 5 and January 12, 2016, using footage they had obtained prior to  
14 the release of the first video in July of 2015. Defendant lacks sufficient knowledge regarding the  
15 mental state of the PPFA and Planned Parenthood affiliate personnel and neither admits nor denies  
16 the allegations that these individuals were recorded without their knowledge or consent and on that  
17 basis denies the same. Defendant admits that each professionally edited video, and the  
18 accompanying full length footage, was accompanied by a press release, the contents of which speak  
19 for themselves and do not require an answer. Except as otherwise admitted or denied, and in all  
20 other respects and to the extent an answer is deemed necessary to the allegations in paragraph 141,  
21 Defendant denies each and every allegation of paragraph 141.

22 142. In response to paragraph 142, to the extent that the allegations constitute legal  
23 argument, those allegations do not require an answer. Defendant lacks sufficient information or  
24 belief to admit or deny the allegations, and whether the harms alleged were the result of  
25 Defendants' actions and on that basis, denies such allegations. Except as otherwise admitted or  
26 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
27 in paragraph 142, Defendant denies each and every allegation of paragraph 142.

28 143. In response to paragraph 143, to the extent that the allegations constitute legal

1 argument, those allegations do not require an answer. Defendant lacks sufficient information or  
2 belief to admit or deny the allegations and whether the harms alleged were the result of  
3 Defendants' actions and on that basis, denies such allegations. Except as otherwise admitted or  
4 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
5 in paragraph 143, Defendant denies each and every allegation of paragraph 143.

6 144. In response to paragraph 144, to the extent that the allegations constitute legal  
7 argument, those allegations do not require an answer. Defendant lacks sufficient information or  
8 belief to admit or deny the allegations and whether the harms alleged were the result of  
9 Defendants' actions and on that basis, denies such allegations. Except as otherwise admitted or  
10 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
11 in paragraph 144, Defendant denies each and every allegation of paragraph 144.

12 145. In response to paragraph 145, to the extent that the allegations constitute legal  
13 argument, those allegations do not require an answer. Defendant lacks sufficient information or  
14 belief to admit or deny the allegations regarding vendors and hiring and whether the harms alleged  
15 were the result of Defendants' actions, and on that basis, denies such allegations. Except as  
16 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
17 necessary to the allegations in paragraph 145, Defendant denies each and every allegation of  
18 paragraph 145.

19 146. In response to paragraph 146, to the extent that the allegations constitute legal  
20 argument, those allegations do not require an answer. Defendant admits that five separate  
21 Congressional Committees, and legislators in numerous states, commenced investigations of  
22 Planned Parenthood's operations after the release of the Human Capital Project videos. Defendant  
23 denies that the investigations are "all meritless and politically motivated . . . ." Defendant lacks  
24 sufficient information or belief to admit or deny the allegations about the time expended and  
25 whether the harms alleged were the result of Defendants' actions, and on that basis, denies such  
26 allegations. Except as otherwise admitted or denied, and in all other respects and to the extent an  
27 answer is deemed necessary to the allegations in paragraph 146, Defendant denies each and every  
28 allegation of paragraph 146.

147. In response to paragraph 147, to the extent that the allegations constitute legal argument, those allegations do not require an answer. Defendant lacks sufficient information or belief to admit or deny the allegations of this paragraph and whether the harms alleged were the result of Defendants' actions, and on that basis, denies such allegations. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in paragraph 147, Defendant denies each and every allegation of paragraph 147.

**FIRST CLAIM FOR RELIEF**  
**(Against All Defendants)**

148. Defendant restates and incorporate by reference herein their responses to Paragraphs 1-147.

149. To the extent that the allegations contained in Paragraph 149 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

150. To the extent that the allegations contained in Paragraph 150 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

151. To the extent that the allegations contained in Paragraph 151 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

152. To the extent that the allegations contained in Paragraph 152 constitute legal conclusions, they require no response. To the extent that the first sentence purports to paraphrase, state or interpret oral or written statements of Daleiden and Newman, the statements speak for themselves, and as such, do not require an answer. Defendant admits that the Center for Medical Progress and Daleiden have released a number of professionally edited videotapes—as well as the accompanying full length videos of the same encounters—and have stated that they may release



1 more such videotapes. Except as otherwise admitted or denied, and in all other respects and to the  
2 extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each  
3 and every allegation of this paragraph.

4 153. To the extent that the allegations contained in Paragraph 153 constitute legal  
5 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
6 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
7 Defendant denies each and every allegation of this paragraph.

8 154. To the extent that the allegations contained in Paragraph 154 constitute legal  
9 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
10 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
11 Defendant denies each and every allegation of this paragraph.

12 155. To the extent that the allegations contained in Paragraph 155 constitute legal  
13 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
14 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
15 Defendant denies each and every allegation of this paragraph.

16 156. To the extent that the allegations contained in Paragraph 156 constitute legal  
17 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
18 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
19 Defendant denies each and every allegation of this paragraph.

20 157. To the extent that the allegations contained in Paragraph 157 constitute legal  
21 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
22 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
23 Defendant denies each and every allegation of this paragraph.

24 158. To the extent that the allegations contained in Paragraph 158 constitute legal  
25 conclusions, they require no response. Defendant admit that communications were made via the  
26 U.S. mails and/or interstate wire facilities on the specific dates enumerated in Paragraph 158. To  
27 the extent that Paragraph 158 purports to characterize those written communications, the  
28 communications speak for themselves. Defendant denies all allegations in Paragraph relating to

1 “[e]ach other email alleged in this Complaint.” Except as otherwise admitted or denied, and in all  
 2 other respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 3 Defendant denies each and every allegation of this paragraph.

4 159. To the extent that the allegations contained in Paragraph 159 constitute legal  
 5 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
 6 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 7 Defendant denies each and every allegation of this paragraph.

8 160. To the extent that the allegations contained in Paragraph 160 constitute legal  
 9 conclusions, they require no response. To the extent a response is deemed necessary, Defendant  
 10 denies the same. Defendant invokes his Fifth Amendment right to refuse to respond to the  
 11 remainder of this paragraph.

12 161. To the extent that the allegations contained in Paragraph 161 constitute legal  
 13 conclusions, they require no response. To the extent that Paragraph 161 makes allegations  
 14 regarding purported losses or injuries sustained by Plaintiffs, Defendant lacks sufficient  
 15 information to admit or deny those allegations and therefore denies the same. Except as otherwise  
 16 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the  
 17 allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

18 162. To the extent that the allegations contained in Paragraph 162 constitute legal  
 19 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
 20 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 21 Defendant denies each and every allegation of this paragraph.

22  
 23 **SECOND CLAIM FOR RELIEF**  
 24 **(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
**BioMax, and Unknown Co-Conspirators)**

25 163. Defendant restates and incorporate by reference herein their responses to Paragraphs  
 26 1-162.

27 164. To the extent that the allegations contained in Paragraph 164 constitute legal  
 28 conclusions, they require no response. Defendant admits that Defendants Daleiden, Merritt, and

1 Lopez used concealed electronic devices to record certain communications to which they were  
2 parties. Except as otherwise admitted or denied, and in all other respects and to the extent an  
3 answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every  
4 allegation of this paragraph.

5 165. To the extent that the allegations contained in Paragraph 165 constitute legal  
6 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
7 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
8 Defendant denies each and every allegation of this paragraph.

9 166. To the extent that the allegations contained in Paragraph 166 constitute legal  
10 conclusions, they require no response. Defendant admits that certain recordings were taken in the  
11 clinical or office space of certain Planned Parenthood locations to obtain information relating to  
12 Planned Parenthood's fetal tissue procurement practices. Except as otherwise admitted or denied,  
13 and in all other respects and to the extent an answer is deemed necessary to the allegations in this  
14 paragraph, Defendant denies each and every allegation of this paragraph.

15 167. To the extent that the allegations contained in Paragraph 167 constitute legal  
16 conclusions, they require no response. To the extent that Paragraph 167 alleges that Plaintiffs  
17 subjectively expected that certain communications would not be subject to interception, Defendant  
18 lacks sufficient information to admit or deny the allegations and therefore denies the same. Except  
19 as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
20 necessary to the allegations in this paragraph, Defendant denies each and every allegation of this  
21 paragraph.

22 168. To the extent that the allegations contained in Paragraph 168 constitute legal  
23 conclusions, they require no response. To the extent such allegations require an answer, Defendant  
24 denies the same. Defendant lack sufficient knowledge of the mental state of each person recorded  
25 to know whether all recordings were made without the consent of Plaintiffs of their staff to either  
26 admit or deny this allegation, and on that basis denies the same. Defendant denies all remaining  
27 allegations contained in Paragraph 168.

28 169. To the extent that the allegations contained in Paragraph 169 constitute legal

1 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
2 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
3 Defendant denies each and every allegation of this paragraph.

4 170. To the extent that the allegations contained in Paragraph 170 constitute legal  
5 conclusions, they require no response. To the extent that Paragraph 170 alleges that Plaintiffs have  
6 sustained any purported losses, Defendant lacks sufficient information to admit or deny those  
7 allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other  
8 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
9 Defendant denies each and every allegation of this paragraph.

10 171. To the extent that the allegations contained in Paragraph 171 constitute legal  
11 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
12 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
13 Defendant denies each and every allegation of this paragraph.

14  
15 **THIRD CLAIM FOR RELIEF**  
16 **(Against All Defendants)**

17 172. Defendant restates and incorporate by reference herein their responses to Paragraphs  
18 1-171.

19 173. To the extent that the allegations contained in Paragraph 173 constitute legal  
20 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
21 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
22 Defendant denies each and every allegation of this paragraph.

23 174. To the extent that the allegations contained in Paragraph 174 constitute legal  
24 conclusions, they require no response. To the extent that Paragraph 174 alleges that Plaintiffs have  
25 sustained any loss, Defendant lacks sufficient information to admit or deny those allegations and  
26 therefore denies the same. Except as otherwise admitted or denied, and in all other respects and to  
27 the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies  
28 each and every allegation of this paragraph.

175. To the extent that the allegations contained in Paragraph 175 constitute legal

1 conclusions, they require no response. To the extent that Paragraph 175 alleges that Plaintiffs have  
2 sustained any loss, Defendant lacks sufficient information to admit or deny those allegations and  
3 therefore denies the same. Except as otherwise admitted or denied, and in all other respects and to  
4 the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies  
5 each and every allegation of this paragraph.

6 176. To the extent that the allegations contained in Paragraph 176 constitute legal  
7 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
8 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
9 Defendant denies each and every allegation of this paragraph.

10 **FOURTH CAUSE OF ACTION**  
11 **(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
12 **BioMax, and Unknown Co-Conspirators)**

13 177. Defendant restates and incorporate by reference herein their responses to Paragraphs  
14 1-176.

15 178. To the extent that the allegations contained in Paragraph 178 constitute legal  
16 conclusions, they require no response. Defendant admits that Daleiden submitted documents  
17 referred to in this Paragraph. To the extent that Paragraph 178 purports to characterize the content  
18 of the relevant agreements, the agreements speak for themselves and as such no answer is required.  
19 Except as otherwise admitted or denied, and in all other respects and to the extent an answer is  
20 deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation  
21 of this paragraph.

22 179. To the extent that the allegations contained in Paragraph 179 constitute legal  
23 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
24 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
25 Defendant denies each and every allegation of this paragraph.

26 180. To the extent that the allegations contained in Paragraph 180 constitute legal  
27 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
28 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,

1 Defendant denies each and every allegation of this paragraph.

2       181. To the extent that the allegations contained in Paragraph 181 constitute legal  
3 conclusions, they require no response. To the extent that Paragraph 181 alleges that Plaintiffs have  
4 made certain expenditures, Defendant lacks sufficient information to admit or deny those  
5 allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other  
6 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
7 Defendant denies each and every allegation of this paragraph.

8  
9                                   **FIFTH CAUSE OF ACTION**  
                                  **(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
                                  **BioMax, and Unknown Co-Conspirators)**

10       182. Defendant restates and incorporate by reference herein their responses to Paragraphs  
11 1-181.

12       183. To the extent that the allegations contained in Paragraph 183 constitute legal  
13 conclusions, they require no response. Defendant admits that Daleiden signed documents referred  
14 to in this Paragraph. To the extent that Paragraph 183 purports to characterize the content of the  
15 relevant agreements, the agreements speak for themselves and as such no answer is required.  
16 Except as otherwise admitted or denied, and in all other respects and to the extent an answer is  
17 deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation  
18 of this paragraph.

19       184. To the extent that the allegations contained in Paragraph 184 constitute legal  
20 conclusions, they require no response. Defendant admits that on April 5, 2014, Daleiden and  
21 Merritt, as well as another investigator, signed agreements. Defendant admits that on April 18,  
22 2015, Defendant Lopez signed an agreement. To the extent that Paragraph 184 purports to  
23 characterize the content of the relevant agreements, the agreements speak for themselves and as  
24 such no answer is required. Except as otherwise admitted or denied, and in all other respects and to  
25 the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies  
26 each and every allegation of this paragraph.

27       185. To the extent that the allegations contained in Paragraph 185 constitute legal  
28

1 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
 2 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 3 Defendant denies each and every allegation of this paragraph.

4 186. To the extent that the allegations contained in Paragraph 186 constitute legal  
 5 conclusions, they require no response. Defendant admits that Daleiden, Merritt, and Lopez made  
 6 video and audio recordings at the NAF annual meetings. Defendant admits that Daleiden has  
 7 disclosed information learned at NAF's meetings to third parties without NAF's consent. Except as  
 8 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
 9 necessary to the allegations in this paragraph, Defendant denies each and every allegation of this  
 10 paragraph.

11 187. To the extent that the allegations contained in Paragraph 187 constitute legal  
 12 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
 13 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 14 Defendant denies each and every allegation of this paragraph.

15 188. To the extent that the allegations contained in Paragraph 188 constitute legal  
 16 conclusions, they require no response. To the extent that Paragraph 188 alleges that Plaintiffs have  
 17 sustained any purported losses or expenditures, Defendant lacks sufficient information to admit or  
 18 deny those allegations and therefore denies the same. Except as otherwise admitted or denied, and  
 19 in all other respects and to the extent an answer is deemed necessary to the allegations in this  
 20 paragraph, Defendant denies each and every allegation of this paragraph.

21 **SIXTH CAUSE OF ACTION**  
 22 **(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
 23 **BioMax, and Unknown Co-Conspirators)**

24 189. Defendant restates and incorporate by reference herein their responses to Paragraphs  
 25 1-188.

26 190. To the extent that the allegations contained in Paragraph 190 constitute legal  
 27 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
 28 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,

1 Defendant denies each and every allegation of this paragraph.

2       191. To the extent that the allegations contained in Paragraph 191 constitute legal  
3 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
4 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
5 Defendant denies each and every allegation of this paragraph.

6       192. To the extent that the allegations contained in Paragraph 192 constitute legal  
7 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
8 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
9 Defendant denies each and every allegation of this paragraph.

10       193. To the extent that the allegations contained in Paragraph 193 constitute legal  
11 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
12 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
13 Defendant denies each and every allegation of this paragraph.

14       194. To the extent that the allegations contained in Paragraph 194 constitute legal  
15 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
16 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
17 Defendant denies each and every allegation of this paragraph.

18       195. To the extent that the allegations contained in Paragraph 195 constitute legal  
19 conclusions, they require no response. To the extent that Paragraph 195 alleges that Plaintiffs  
20 have sustained any purported losses, Defendant lacks sufficient information to admit or deny those  
21 allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other  
22 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
23 Defendant denies each and every allegation of this paragraph.

24       196. To the extent that the allegations contained in Paragraph 196 constitute legal  
25 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
26 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
27 Defendant denies each and every allegation of this paragraph.

28  
**SEVENTH CAUSE OF ACTION**



**(Against All Defendants)**

197. Defendant restates and incorporate by reference herein their responses to Paragraphs 1-196.

198. To the extent that the allegations contained in Paragraph 198 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

199. To the extent that the allegations contained in Paragraph 199 constitute legal conclusions, they require no response. Defendant admits that Daleiden and Merritt recorded conversations with staff members of some Plaintiffs while they were in California. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

200. To the extent that the allegations contained in Paragraph 200 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

201. To the extent that the allegations contained in Paragraph 201 constitute legal conclusions, they require no response. To the extent that Paragraph 201 alleges that Plaintiffs have sustained any purported losses, Defendant lacks sufficient information to admit or deny those allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

202. To the extent that the allegations contained in Paragraph 202 constitute legal conclusions, they require no response. To the extent this paragraph purports to quote or paraphrase an oral or written statement, that statement speaks for itself and as such no answer is required. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation

1 of this paragraph.

2 203. To the extent that the allegations contained in Paragraph 203 constitute legal  
3 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
4 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
5 Defendant denies each and every allegation of this paragraph.

6  
7 **EIGHTH CAUSE OF ACTION**  
8 **(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
9 **BioMax, and Unknown Co-Conspirators)**

10 204. Defendant restates and incorporate by reference herein their responses to Paragraphs  
11 1-203.

12 205. To the extent that the allegations contained in Paragraph 205 constitute legal  
13 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
14 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
15 Defendant denies each and every allegation of this paragraph.

16 206. To the extent that the allegations contained in Paragraph 206 constitute legal  
17 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
18 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
19 Defendant denies each and every allegation of this paragraph.

20 207. To the extent that the allegations contained in Paragraph 207 constitute legal  
21 conclusions, they require no response. To the extent that Paragraph 207 makes allegations  
22 regarding the mental state of Plaintiffs, Defendant lacks sufficient information to admit or deny  
23 those allegations and therefore denies the same. Except as otherwise admitted or denied, and in all  
24 other respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
25 Defendant denies each and every allegation of this paragraph.

26 208. To the extent that the allegations contained in Paragraph 208 constitute legal  
27 conclusions, they require no response. To the extent that Paragraph 208 makes allegations  
28 concerning the reasons why Plaintiffs engaged in certain conduct, Defendant lacks sufficient  
information to admit or deny those allegations and therefore denies the same. Except as otherwise

1 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the  
2 allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

3 209. To the extent that the allegations contained in Paragraph 209 constitute legal  
4 conclusions, they require no response. To the extent that Paragraph 209 alleges that Plaintiffs have  
5 sustained purported losses, Defendant lacks sufficient information to admit or deny those  
6 allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other  
7 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
8 Defendant denies each and every allegation of this paragraph.

9 210. To the extent that the allegations contained in Paragraph 210 constitute legal  
10 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
11 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
12 Defendant denies each and every allegation of this paragraph.

13  
14 **NINTH CLAIM FOR RELIEF**  
15 **(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
16 **BioMax, and Unknown Co-Conspirators)**

17 211. Defendant restates and incorporate by reference herein their responses to Paragraphs  
18 1-210.

19 212. To the extent that the allegations contained in Paragraph 212 constitute legal  
20 conclusions, they require no response. Defendant admits that Daleiden and Merritt, as well as  
21 another investigator, made certain recordings at the NAF 2014 annual conference in San Francisco.  
22 Defendant admits that staff members from PPFA, PPNC, PPMM, PPGC, PPCFC, and PPLA  
23 attended the NAF meeting. To the extent that Paragraph 212 makes further allegations regarding  
24 the identities of attendees at the NAF annual meeting, Defendant lacks sufficient information to  
25 admit or deny those allegations and therefore denies the same. Except as otherwise admitted or  
26 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
in this paragraph, Defendant denies each and every allegation of this paragraph.

27 213. To the extent that the allegations contained in Paragraph 213 constitute legal  
28 conclusions, they require no response. Defendant admit that Daleiden and Merritt made recordings

1 of certain conversations with individuals associated with Planned Parenthood affiliates. Except as  
2 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
3 necessary to the allegations in this paragraph, Defendant denies each and every allegation of this  
4 paragraph.

5       214. To the extent that the allegations contained in Paragraph 214 constitute legal  
6 conclusions, they require no response. To the extent that Paragraph 214 makes allegations  
7 regarding “reasonable belief” in the mental state of Plaintiffs, Defendant lacks sufficient  
8 information to admit or deny those allegations and therefore denies the same. To the extent that  
9 Paragraph 214 alleges that all attendees executed identical agreements, Defendant lacks sufficient  
10 information to admit or deny those allegations and therefore denies the same. Except as otherwise  
11 admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the  
12 allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

13       215. To the extent that the allegations contained in Paragraph 215 constitute legal  
14 conclusions, they require no response. Defendant lacks sufficient knowledge of the mental state  
15 of each person recorded to know whether all recordings were made without the consent of  
16 Plaintiffs of their staff, and therefore denies the same. Except as otherwise admitted or denied, and  
17 in all other respects and to the extent an answer is deemed necessary to the allegations in this  
18 paragraph, Defendant denies each and every allegation of this paragraph.

19       216. To the extent that the allegations contained in Paragraph 216 constitute legal  
20 conclusions, they require no response. To the extent that Paragraph 216 alleges that Plaintiffs have  
21 sustained purported losses, Defendant lacks sufficient information to admit or deny those  
22 allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other  
23 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
24 Defendant denies each and every allegation of this paragraph.

25       217. To the extent that the allegations contained in Paragraph 217 constitute legal  
26 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
27 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
28 Defendant denies each and every allegation of this paragraph.

**TENTH CAUSE OF ACTION**  
**(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
**BioMax, and Unknown Co-Conspirators)**

218. Defendant restates and incorporate by reference herein their responses to Paragraphs 1-217.

219. To the extent that the allegations contained in Paragraph 219 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

220. To the extent that the allegations contained in Paragraph 220 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

221. To the extent that the allegations contained in Paragraph 221 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

222. To the extent that the allegations contained in Paragraph 222 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

223. To the extent that the allegations contained in Paragraph 223 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

224. To the extent that the allegations contained in Paragraph 224 constitute legal conclusions, they require no response. To the extent that Paragraph 224 alleges that Plaintiffs sustained purported losses, Defendant lacks sufficient information to admit or deny those

1 allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other  
 2 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 3 Defendant denies each and every allegation of this paragraph.

4 225. To the extent that the allegations contained in Paragraph 225 constitute legal  
 5 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
 6 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 7 Defendant denies each and every allegation of this paragraph.

8  
 9 **ELEVENTH CAUSE OF ACTION**  
**(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
 10 **BioMax, and Unknown Co-Conspirators)**

11 226. Defendant restates and incorporate by reference herein their responses to Paragraphs  
 12 1-225.

13 227. To the extent that the allegations contained in Paragraph 227 constitute legal  
 14 conclusions, they require no response. Defendant admits that Defendants Daleiden and Lopez  
 15 made certain recordings at the 2015 PPFA Medical Directors Council Conference and the 2014  
 16 PPFA North American Forum on Family Planning Conference. Defendant lacks sufficient  
 17 information to admit or deny allegations regarding whether staff from all Plaintiffs attended these  
 18 conferences and therefore denies the same. Except as otherwise admitted or denied, and in all other  
 19 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 20 Defendant denies each and every allegation of this paragraph.

21 228. To the extent that the allegations contained in Paragraph 228 constitute legal  
 22 conclusions, they require no response. To the extent that Paragraph 228 alleges that all conference  
 23 attendees executed identical agreements, Defendant lacks sufficient information to admit or deny  
 24 these allegations and therefore denies the same. To the extent that Paragraph 228 makes  
 25 allegations regarding the “reasonable expectation of privacy” of Plaintiffs’ staff regarding  
 26 Plaintiffs’ communications or their intentions regarding the terms and conditions of the  
 27 agreements, Defendant lacks sufficient information to admit or deny those allegations and therefore  
 28 denies the same. Except as otherwise admitted or denied, and in all other respects and to the extent

1 an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and  
 2 every allegation of this paragraph.

3 229. To the extent that the allegations contained in Paragraph 229 constitute legal  
 4 conclusions, they require no response. Defendant lacks sufficient knowledge of the mental state of  
 5 each person recorded to know whether all recordings were made without the consent of Plaintiffs  
 6 of their staff to be able to admit or deny such allegation and therefore denies the same. Except as  
 7 otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
 8 necessary to the allegations in this paragraph, Defendant denies each and every allegation of this  
 9 paragraph.

10 230. To the extent that the allegations contained in Paragraph 230 constitute legal  
 11 conclusions, they require no response. To the extent that Paragraph 230 alleges that Plaintiffs have  
 12 sustained purported losses, Defendant lacks sufficient information to admit or deny these  
 13 allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other  
 14 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 15 Defendant denies each and every allegation of this paragraph.

16 231. To the extent that the allegations contained in Paragraph 231 constitute legal  
 17 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
 18 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
 19 Defendant denies each and every allegation of this paragraph.

20  
 21 **TWELFTH CAUSE OF ACTION**  
 22 **(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
**BioMax, and Unknown Co-Conspirators)**

23 232. Defendant restates and incorporate by reference herein their responses to Paragraphs  
 24 1-231.

25 233. To the extent that the allegations contained in Paragraph 233 constitute legal  
 26 conclusions, they require no response. Defendant admits that Defendants Daleiden, Merritt, and  
 27 Lopez made certain recordings at the NAF 2015 annual conference in Baltimore, Maryland.  
 28 Defendant further admit that, based on the information available to them, staff from PPFA,

1 PPPSW, PPMM, PPOSB, PPGC, PPCFC, and PPRM attended that meeting. To the extent that  
2 Paragraph 233 makes further allegations regarding the identities of attendees at the NAF annual  
3 meeting, Defendant lacks sufficient information to admit or deny those allegations and therefore  
4 denies the same. Except as otherwise admitted or denied, and in all other respects and to the extent  
5 an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and  
6 every allegation of this paragraph.

7 234. To the extent that the allegations contained in Paragraph 234 constitute legal  
8 conclusions, they require no response. To the extent that Paragraph 234 makes allegations  
9 regarding the reasonableness of Plaintiffs' expectations, Defendant lacks sufficient information to  
10 admit or deny those allegations and therefore denies the same. Except as otherwise admitted or  
11 denied, and in all other respects and to the extent an answer is deemed necessary to the allegations  
12 in this paragraph, Defendant denies each and every allegation of this paragraph.

13 235. To the extent that the allegations contained in Paragraph 235 constitute legal  
14 conclusions, they require no response. Defendant lacks sufficient knowledge of the mental state of  
15 each person recorded to know whether all recordings were made without the consent of Plaintiffs  
16 of their staff, and to be able to admit or deny this allegation, and therefore denies the same. Except  
17 as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed  
18 necessary to the allegations in this paragraph, Defendant denies each and every allegation of this  
19 paragraph.

20 236. To the extent that the allegations contained in Paragraph 236 constitute legal  
21 conclusions, they require no response. To the extent that Paragraph 236 alleges that Plaintiffs have  
22 sustained purported losses, Defendant lacks sufficient information to admit or deny those  
23 allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other  
24 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
25 Defendant denies each and every allegation of this paragraph.

26 237. To the extent that the allegations contained in Paragraph 237 constitute legal  
27 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
28 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,



1 Defendant denies each and every allegation of this paragraph.

2  
3 **THIRTEENTH CAUSE OF ACTION**  
4 **(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
5 **BioMax, and Unknown Co-Conspirators)**

6 238. Defendant restates and incorporate by reference herein their responses to Paragraphs  
7 1-237.

8 239. To the extent that the allegations contained in Paragraph 239 constitute legal  
9 conclusions, they require no response. To the extent that Paragraph 239 states that “Plaintiffs  
10 present this claim on behalf of their staff,” the First Amended Complaint speaks for itself and as  
11 such no answer is required. Except as otherwise admitted or denied, and in all other respects and to  
12 the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies  
13 each and every allegation of this paragraph.

14 240. To the extent that the allegations contained in Paragraph 240 constitute legal  
15 conclusions, they require no response. To the extent that Paragraph 240 makes allegations  
16 regarding “reasonable belief” in the mental state of Plaintiffs, Defendant lacks s information to  
17 admit or deny those allegations and therefore denies the same. To the extent that Paragraph 240  
18 purports to characterize the content of certain written documents, those documents speak for  
19 themselves and as such no answer is required. Except as otherwise admitted or denied, and in all  
20 other respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
21 Defendant denies each and every allegation of this paragraph.

22 241. To the extent that the allegations contained in Paragraph 241 constitute legal  
23 conclusions, they require no response. To the extent that Paragraph 241 alleges that Plaintiffs  
24 subjectively expected that certain communications would not be recorded, listened to, or published,  
25 Defendant lacks sufficient information to admit or deny the allegations and therefore denies the  
26 same. Except as otherwise admitted or denied, and in all other respects and to the extent an answer  
27 is deemed necessary to the allegations in this paragraph, Defendant denies each and every  
28 allegation of this paragraph.

29 242. To the extent that the allegations contained in Paragraph 242 constitute legal

1 conclusions, they require no response. Except as otherwise admitted or denied, and in all other  
2 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
3 Defendant denies each and every allegation of this paragraph

4 243. To the extent that the allegations contained in Paragraph 243 constitute legal  
5 conclusions, they require no response. To the extent that Paragraph 243 alleges that Plaintiffs have  
6 sustained purported losses, Defendant lacks sufficient information to admit or deny those  
7 allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other  
8 respects and to the extent an answer is deemed necessary to the allegations in this paragraph,  
9 Defendant denies each and every allegation of this paragraph.

10 **FOURTEENTH CLAIM FOR RELIEF**  
11 **(Against Defendants Daleiden, Merritt, Lopez, CMP,**  
12 **BioMax, and Unknown Co-Conspirators)**

13 244. Defendant restates and incorporate by reference herein their responses to Paragraphs  
14 1-243.

15 245. To the extent that the allegations contained in Paragraph 245 constitute legal  
16 conclusions, they require no response. To the extent that Paragraph 245 states that “Plaintiffs  
17 present this claim on behalf of their staff,” the First Amended Complaint speaks for itself and as  
18 such no answer is required. Except as otherwise admitted or denied, and in all other respects and to  
19 the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies  
20 each and every allegation of this paragraph.

21 246. To the extent that the allegations contained in Paragraph 246 constitute legal  
22 conclusions, they require no response. To the extent that Paragraph 246 makes allegations  
23 regarding “reasonable belief” in the mental state of Plaintiffs, Defendant lacks sufficient  
24 information to admit or deny those allegations and therefore denies the same. To the extent that  
25 Paragraph 246 purports to characterize the content of certain written documents, those documents  
26 speak for themselves and as such no answer is required. Except as otherwise admitted or denied,  
27 and in all other respects and to the extent an answer is deemed necessary to the allegations in this  
28 paragraph, Defendant denies each and every allegation of this paragraph.



252. To the extent that the allegations contained in Paragraph 252 constitute legal conclusions, they require no response. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

253. To the extent that the allegations contained in Paragraph 253 constitute legal conclusions, they require no response. To the extent that Paragraph 253 alleges that Plaintiffs have sustained purported losses, Defendant lacks sufficient information to admit or deny those allegations and therefore denies the same. Except as otherwise admitted or denied, and in all other respects and to the extent an answer is deemed necessary to the allegations in this paragraph, Defendant denies each and every allegation of this paragraph.

254. Defendant denies each and every allegation contained in the Amended Complaint, except those allegations specifically admitted to be true and those allegations that constitute admissions against the Plaintiffs' interests.

## PRAYER FOR RELIEF

1. Defendant denies that Plaintiffs are entitled to any of the relief sought in Paragraph 1 of their Prayer for Relief.

2. Defendant denies that Plaintiffs are entitled to any of the relief sought in Paragraph 2 of their Prayer for Relief.

3. Defendant denies that Plaintiffs are entitled to any of the relief sought in Paragraph 3 of their Prayer for Relief.

4. Defendant denies that Plaintiffs are entitled to any of the relief sought in Paragraph 4 of their Prayer for Relief.

5. Defendant denies that Plaintiffs are entitled to any of the relief sought in Paragraph 5 of their Prayer for Relief.

6. Defendant denies that Plaintiffs are entitled to any of the relief sought in Paragraph 6 of their Prayer for Relief.

7. Defendant denies that Plaintiffs are entitled to any of the relief sought in Paragraph 7 of their Prayer for Relief.

8. Defendant denies that Plaintiffs are entitled to any of the relief sought in Paragraph 8 of their Prayer for Relief.

9. Defendant denies that Plaintiffs are entitled to any of the relief sought in Paragraph 9 of their Prayer for Relief.

### **AFFIRMATIVE DEFENSES**

1. Plaintiffs' First Amended Complaint fails to state any claim upon which relief can be granted.

2. Defendant is entitled to judgment on Plaintiffs' First Claim for Relief, because (a) Plaintiffs have not been injured in their business or property, but instead have sustained (at most) personal injuries that are not cognizable under RICO; (b) Defendant has not engaged in wire fraud, in that they did not intend to acquire or actually acquire any money or property from Plaintiffs; (c) Defendant has not engaged in wire fraud, in that they paid the market price charged by Plaintiffs for all transactions into which the parties entered; (d) Defendant has not engaged in any conduct that would violate 18 U.S.C. § 1028; (e) Defendant did not engage in a pattern of racketeering activity; (f) Defendant's alleged predicate acts did not proximately cause any of Plaintiffs' alleged injuries, but instead those alleged injuries would have had to have resulted from a complex and lengthy causal chain that includes acts of third parties unrelated to Defendant; and (g) there is no distinct "enterprise" within the meaning of RICO.

3. Defendant is entitled to judgment on Plaintiffs' Second Claim for Relief, because (a) Defendants were parties to all alleged conversations; (b) Defendant did not make any recordings for the purpose of committing any criminal or tortious act; (c) any individuals in any recording lacked a cognizable expectation of privacy within the meaning of the Wiretap Act; and (d) if the text of the Wiretap Act were to apply to Defendant's alleged conduct, the statute would be unconstitutional as applied to Defendant's alleged conduct, which constitutes core political expressive activity and speech protected by the First Amendment to the United States Constitution.

4. Defendant is entitled to judgment on Plaintiffs' Third Cause of Action, because (a) Plaintiffs cannot establish the occurrence of any underlying torts against them; and (b) Plaintiffs

1 have not identified any conspiracy other than an alleged conspiracy between an artificial entity and  
2 its employees, which is not cognizable under the single-entity rule.

3         5. Defendant is entitled to judgment on Plaintiffs' Fourth and Fifteenth Causes of  
4 Action, because (a) the relevant contracts are unenforceable as a matter of public policy and under  
5 the First Amendment to the United States Constitution to the extent that they purport to apply to  
6 Defendant's conduct; (b) Defendant has not breached any provisions of the relevant agreements; (c)  
7 to the extent that the agreements purport to require attendees to act in a way that "would be useful  
8 to attendees and beneficial to the interests of their clients and patients," the agreements are too  
9 vague and indefinite to be enforceable; (d) to the extent that the agreements purport to require  
10 attendees to comply with other provisions of law, the agreements are unenforceable; (e) the alleged  
11 injuries on which these claims rest are unrecoverable consequential damages; (f) the relevant  
12 agreements are unenforceable on the basis of illegality; (g) Plaintiffs failed to preserve the  
13 confidentiality of information covered by the relevant agreements; and (h) the relevant agreements  
14 are unenforceable under the doctrine of unconscionability and constitute unenforceable form  
15 contracts offered on a take-it-or-leave-it basis.

16         6. Defendant is entitled to judgment on Plaintiffs' Fifth Cause of Action, because  
17 (a) the relevant contracts are unenforceable as a matter of public policy and under the First  
18 Amendment to the United States Constitution to the extent that they purport to apply to  
19 Defendants' conduct; (b) Plaintiffs lack standing to bring sue under the relevant agreements; (c)  
20 there is no privity of contract between Plaintiffs and Defendants with regard to the relevant  
21 agreements; (d) Plaintiffs are not third-party beneficiaries of the relevant agreements; (e) the  
22 relevant agreements are unenforceable under the doctrine of unconscionability and constitute  
23 unenforceable form contracts offered on a take-it-or-leave-it basis; (f) the relevant agreements are  
24 not enforceable, because they are not supported by consideration; (g) Defendants have not engaged  
25 in any conduct that would breach any of the relevant agreements; (h) the relevant agreements are  
26 enforceable to the extent that they are overbroad, vague, and/or indefinite; and (i) the National  
27 Abortion Federation failed to preserve the confidentiality of information covered by the relevant  
28 agreements.

1           7. Defendant is entitled to judgment on Plaintiffs' Sixth Cause of Action, because  
2 (a) Defendant had consent and authorization to enter all relevant properties; (b) Plaintiffs lacked a  
3 cognizable possessory interest in the relevant properties; (c) the alleged injuries on which the  
4 trespass claims rest could not have been proximately caused by any alleged trespass; and (d)  
5 Plaintiffs did not seek nominal damages.

6           8. Defendant is entitled to judgment on Plaintiffs' Seventh Cause of Action, because  
7 (a) Defendant has not engaged in any "unlawful," "unfair," or "fraudulent" conduct within the  
8 meaning of the Unfair Competition Law; (b) Defendant is not a competitor of Plaintiffs;  
9 (c) Defendant has not engaged in any conduct that implicates the interests underlying the antitrust  
10 laws; (d) no reasonable consumer could have been deceived by any statement made by Defendant;  
11 (e) no person acted in reliance on Defendant's speech in a way that inflicted any cognizable injury  
12 on Plaintiffs; (f) Defendant did not obtain any money or property from Plaintiffs; and (g) if the text  
13 of the Unfair Competition Law were to apply to Defendant's alleged conduct, the statute would be  
14 unconstitutional as applied to Defendant's alleged conduct, which constitutes core political  
15 expressive activity and speech protected by the First Amendment to the United States Constitution  
16 and Article I, section 2, of the California Constitution.

17           9. Defendants are entitled to judgment on Plaintiffs' Eighth Cause of Action, because  
18 (a) Defendants did not make any false representations; (b) Defendants did not act with an intent to  
19 defraud; (c) Plaintiffs did not justifiably rely on any representations made by Defendants;  
20 (d) Plaintiffs' reliance on any representations by Defendants did not cause any damages allegedly  
21 sustained by Plaintiffs; (e) Plaintiffs did not sustain any legally cognizable injuries; and (f) the  
22 alleged injuries on which Plaintiffs' fraud claim rests could not have been proximately caused by  
23 any representations made by Defendants to Plaintiffs.

24           10. Defendant is entitled to judgment on Plaintiffs' Ninth Cause of Action, because  
25 (a) Plaintiffs lack standing to sue under § 632 for alleged recordings of their employees or agents;  
26 (b) no recorded conversations constituted confidential communications within the meaning of  
27 § 632; (c) no persons who were recorded had an objectively reasonable expectation that their  
28 conversations were not being overheard or recorded; (d) a § 632 claim cannot be premised on post-

1 recording disclosures of recorded materials; (e) § 632 is preempted, as applied to this case, by the  
2 Federal Wiretap Act; and (f) the claim is barred pursuant to California Penal Code section 633.5  
3 because the purpose of the recording of any confidential communication was to gather evidence of  
4 the commission of violent felonies, specifically, the killing of an infant born alive or the  
5 commission of a partial birth abortion; and (g) to the extent that § 632 would apply to Defendant's  
6 conduct, the statute would be unconstitutional as applied under the First Amendment to the United  
7 States Constitution.

8 11. Defendant is entitled to judgment on Plaintiffs' Tenth Cause of Action, because  
9 (a) Defendant did not engage in any violations of California Penal Code § 632; (b) Defendant had  
10 consent and authorization to enter all relevant properties; (c) Plaintiffs lacked a cognizable  
11 possessory interest in any relevant properties; and (d) to the extent that the statute would apply to  
12 Defendant's conduct, the statute would be unconstitutional as applied under the First Amendment  
13 to the United States Constitution.

14 12. Defendant is entitled to judgment on Plaintiffs' Eleventh Cause of Action, because  
15 (a) no persons recorded had a legally protectable expectation of privacy in any recorded  
16 conversations; (b) Plaintiffs lack standing to assert the rights of any individuals who were recorded;  
17 and (c) to the extent that the statute would apply to Defendant's conduct, the statute would be  
18 unconstitutional as applied under the First Amendment to the United States Constitution.

19 13. Defendant is entitled to judgment on Plaintiffs' Twelfth Cause of Action, because  
20 (a) no persons recorded had a legally protectable expectation of privacy in any recorded  
21 conversations; (b) Plaintiffs lack standing to assert the rights of any individuals who were recorded;  
22 and (c) to the extent that the statute would apply to Defendant's conduct, the statute would be  
23 unconstitutional as applied under the First Amendment to the United States Constitution.

24 14. Defendant is entitled to judgment on Plaintiffs' Thirteenth and Fourteenth Causes of  
25 Action, because (a) Plaintiffs lack standing to bring invasion of privacy claims on behalf of their  
26 employees and agents; (b) any alleged recordings did not intrude into a place in which any person  
27 had a reasonable expectation of privacy; (c) any alleged recordings would not be highly offensive  
28 to a reasonable person; (d) any recordings contained information that the recorded individuals



1 voluntarily disclosed to persons with whom they had no relationship of trust; (e) any recordings  
2 that were made relate to matters of legitimate and significant public interest; and (f) any recordings  
3 that were made constitute privileged newsgathering.

4 15. Defendant is entitled to judgment on all of Plaintiffs' state-law claims pursuant to  
5 California's Anti-SLAPP Statute.

6 16. The First Amendment to the United States Constitution bars Plaintiffs' claims for  
7 money damages, because those claims seek defamation-type damages and thus must satisfy the  
8 constitutional standards applicable to defamation claims. Plaintiffs cannot establish that Defendant  
9 made false statements, nor can they demonstrate that Defendant acted with the requisite mental  
10 state. Thus, the First Amendment bars these claims for money damages. For identical reasons,  
11 these claims for money damages are barred by the free-speech protections of the California,  
12 Florida, Colorado, and Texas Constitutions.

13 17. Plaintiffs' tort claims are barred by the economic-loss doctrine, because those claims  
14 seek to recover money damages under tort theories that are premised on purported breaches of  
15 contract.

16 18. Plaintiffs' claims must be dismissed, because they have failed to join necessary and  
17 indispensable parties, including but not limited to the National Abortion Federation and the  
18 individual employees and officers of Plaintiffs upon whose alleged injuries Plaintiffs' claims rest.

19 19. Plaintiffs' claims are barred by the *Noerr-Pennington* Doctrine, because granting the  
20 relief requested by Plaintiffs would impermissibly violate Defendants' rights under the Petition  
21 Clause of the United States Constitution.

22 20. Plaintiffs' claims for damages must be denied to the extent that they seek damages  
23 resulting from lawful investigations conducted by governmental and law-enforcement entities.

24 21. The putative confidentiality provisions relied on by Plaintiffs are void as a matter of  
25 public policy, because, among other reasons, they are applied to conceal evidence of criminal,  
26 unethical and fraudulent activities.

27 22. The proximate cause of Plaintiffs' alleged injuries was not Defendants' alleged  
28 conduct, but rather the conduct of Plaintiffs and their employees and agents.

1           23.     Plaintiffs' own negligence or fault directly caused or directly contributed to cause  
2 the Plaintiffs' damages, if any, and the Plaintiffs' claim therefore should be diminished by the  
3 percentage of fault apportioned to the Plaintiffs by the jury.

4           24.     The Plaintiffs' damages, if any, were the result of actions, errors or omissions of  
5 individuals or entities other than the Defendants, for whose conduct the Defendants are not  
6 responsible or with whom the Defendants have no legal relation.

7           25.     Defendant's alleged conduct was not the proximate cause of Plaintiffs' alleged  
8 injuries, because Plaintiffs' theory of causation necessarily includes the intervening wrongful  
9 action of the National Abortion Federation in making false representations to Plaintiffs about the  
10 security of its meetings.

11          26.     Plaintiffs' claims for injunctive relief are barred by the doctrine of unclean hands,  
12 because Plaintiffs have engaged in illegal and/or unethical conduct and because Plaintiffs seek to  
13 use injunctive relief to shroud and to advance this illegal and/or unethical conduct.

14          27.     Plaintiffs' claims for injunctive relief must be denied, because stifling and punishing  
15 Defendants' expressive conduct relating to issues of significant and legitimate public attention  
16 would severely harm the public interest.

17          28.     Plaintiffs' claims for injunctive relief must be denied because the balance of equities  
18 plainly favors Defendants.

19          29.     Plaintiffs' claims for injunctive relief must be denied to the extent that they would  
20 purport to limit Defendants' future speech, because such relief would constitute an unconstitutional  
21 prior restraint.

22          30.     Plaintiffs' claims for damages must be reduced based on the fact that they have  
23 failed to mitigate their damages.

24          31.     Plaintiffs' fraud-based claims must be denied, because Plaintiffs have failed to plead  
25 fraud with sufficient particularity under Fed. R. Civ. P. 9(b).

26          32.     To the extent that Plaintiffs' claimed injuries result from the protected speech of  
27 third parties, those injuries are not legally cognizable and awarding any damages for them would  
28 violate the First Amendment to the United States Constitution and the free-speech protections of

1 the California, Texas, Colorado, and Florida Constitutions.

2 33. Defendant did not cause the alleged injuries that Plaintiffs allegedly sustained.

3 34. Granting the relief sought by Plaintiffs would violate the separation of powers by  
4 impermissibly impeding congressional investigation.

5 35. Granting the relief sought by Plaintiffs would violate the federalism-related  
6 protections of the United States Constitution by impermissibly impeding state and local law-  
7 enforcement investigations.

8 36. Plaintiffs' claims are barred by California Civil Code section 47 because Plaintiffs'  
9 claims are based upon privileged speech and conduct undertaken in anticipation of official  
10 government proceedings.

11 37. Granting the relief sought by Plaintiffs would result in Plaintiffs being unjustly  
12 enriched.

13 38. Planned Parenthood and other related parties have violated antitrust laws to the  
14 extent Planned Parenthood relies on confidentiality agreements obtained in connection with  
15 meetings with its competitors that share common interests in providing medical products and  
16 services related to abortion, which, among other antitrust violations, is a facilitating practice  
17 making it easier for parties to coordinate price or other behavior leading to anticompetitive results.

18 39. Defendant's investigative journalism activities were lawful and constitutionally  
19 protected, documenting illegal, unethical and fraudulent activities in the abortion industry and  
20 certain fields of medical research, including the willingness to engage in, and an actual engagement  
21 in, unlawful and unethical practices, including the buying and selling of fetal body parts for profit,  
22 the alteration of abortion methods – including engaging in illegal partial-birth abortions – to  
23 procure intact fetal body parts for research, obtaining fetal body parts without the mother's consent  
24 or with fraudulently induced consent, and killing infants born alive in failed abortions.

25 40. Plaintiffs engaged in fraud, including intentional misrepresentations about recouping  
26 its expenses in setting the sale values of particular baby body parts.

27 41. The Court should decline to exercise jurisdiction over Plaintiffs' state-law claims,  
28 because Defendants are entitled to judgment on Plaintiffs' federal-law claims, which would leave

1 only state-law claims that would not involve complete diversity of citizenship.

2 42. The Court should abstain from exercising jurisdiction over Plaintiffs' state-law  
3 claims under the *Pullman* abstention doctrine because those claims involve complex issues of state  
4 law that, in turn, implicate complex questions of federal constitutional law. By allowing state  
5 courts to resolve these state-law questions, the Court can avoid deciding complex federal  
6 constitutional questions.

7 43. Defendant is entitled to, and claims the benefit of, all defenses and presumptions set  
8 forth in or arising from any rule of law or statute of the United States or of the State governing any  
9 particular state-law claim.

10 44. The defendant intends to rely upon other affirmative defenses that may become  
11 applicable after discovery is conducted and therefore reserves the right to amend this answer to  
12 allege such defenses.

13  
14 Wherefore, Defendants request that:

15 1. The First Amended Complaint be denied and dismissed with prejudice in its  
16 entirety;

17 2. Plaintiffs take nothing from this action;

18 3. Judgment be entered in favor of Defendants;

19 4. Defendants be awarded costs and attorneys' fees; and

20 5. The Court award such other and further relief as is just and proper.

21  
22 Respectfully submitted,

23  
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16 *Attorneys for Defendant David Daleiden*

17 **DEMAND FOR JURY TRIAL**

18 Defendant demands a jury trial for all claims for relief properly tried to a jury.

19 Respectfully submitted,

20 /s/ Catherine Short  
21 *Counsel for Defendant David Daleiden*